DISTRICT COURT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the matter of **JULIA Z. HALLER** **(Bar Number 466921)** **and** **BRANDON C. JOHNSON** **(Bar Number 491370)** **Respondents** **Members of the Bar of the** **D.C. Court of Appeals**	**Disciplinary Docket Nos. 2021-D012, 2021-D013, 2021-D014, 2021-D015, 2021-D044, and 2021-D046**

ANSWER OF RESPONDENT BRANDON JOHNSON

PRELIMINARY STATEMENT

Comes now Brandon Johnson ("Respondent") in the above-captioned proceeding who filed this Answer to the Specification of Charges ("Charges") brought by the District of Columbia's Office of Disciplinary Counsel ("ODC") before the District Court of Columbia ("DC") Court of Appeals Board on Professional Responsibility ("Board") regarding specified lawsuits[1] challenging the rules and results of the 2020 Presidential Election brought in federal courts in the states of Arizona, Georgia, Michigan, Texas, and Wisconsin (the "States") referenced in the Charges (the "2020 Election Lawsuits").

In submitting this Answer, Respondent notes that any individual allegation not specifically admitted is denied. Repetition of this in any particular answer and not others does not mean that this consideration does not apply in all cases.

Respondent notes that jurisdiction for these disciplinary proceedings is asserted pursuant to D.C. Bar Rule XI § I(a) Respondent denies that D.C. Bar Rule XI § I(a) provides the requisite jurisdiction and therefore denies that jurisdiction is "found" as more particularly contested below.

[1] The first 2020 Election Lawsuit was filed November 23, 2020, and the last case was dismissed January 14, 2021. The 2020 Election Lawsuits were filed in the U.S. District Courts for the District of Arizona, the Northern District of Georgia, the Eastern District of Michigan, the Eastern District of Texas, or the Eastern District of Wisconsin (collectively, the "District Courts"), and appeals were filed in the U.S. Courts of Appeal for the Fifth Circuit, Sixth Circuit, Seventh Circuit, Ninth Circuit, or the Eleventh Circuit (collectively, the "Circuit Courts"); and petitions for certiorari were filed in the United States Supreme Court (together with the District Courts and Circuit Courts, the "Federal Courts"). Respondent's representations in the statement of fact, defenses, general and specific denials, and answer are limited to allegations of Respondent's participation in the 2020 Election Lawsuits while pending before a District Court. The issues subject of this Answer regarding charges stemming from the 2020 Election Lawsuits do not include subsequent sanctions litigation in Michigan and Wisconsin, and unless expressly stated otherwise, Respondent's representations, defenses, and general and specific denials do not pertain to such litigation or to the time period following dismissal of the 2020 Election Lawsuits in the District Courts.

Respondent notes that the allegations continually refer to Respondent Johnson as a "co-counsel" or as having filed documents in the subject litigation cases or to "their" complaint, "Respondents' lawsuit," pleading, case, or the like. Respondent denies all instances of such baseless allegations and characterizations, including that he was a "co-counsel" or that he made any filings before the subject courts or that any ownership of any particular pleading, complaint, motion or case was attributable to Respondent. Respondent was associated with these matters only in the status of "of counsel." Respondent denies he ever entered an appearance in any of the subject cases, with the exception of one sanctions hearing well after the operative events subject to these allegations were completed. Any similar or actual such allegation not specifically covered by this denial in an answer is covered by this general denial.

All the un-numbered headings in the Specification of Charges, while not allegations regarding Respondent and not therefore subject to any answer, are nonetheless uniformly denied to dispel any suggestion that such headings are either factual or considered a part of the Specification of Charges requiring a response.

The answers provided herein are personal to Respondent Johnson, and any answer provided herein to an allegation directed generally at "Respondents" is limited to Respondent Johnson. Respondent does not, nor is Respondent authorized to, make any representations or undertake to provide any answers for any party other than himself.

Answering specially and subject to and without waiving any of the foregoing defenses, particularly the jurisdictional defenses, Respondent answers the enumerated paragraphs of the Charges as follows:

ANSWER

Allegation #1.

Respondent Julia Z. Haller is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on March 10, 2000, and assigned Bar. No. 466921.

Answer: Respondent has no independent information sufficient to permit either admitting or denying this Allegation.

Allegation #2.

Respondent Brandon Johnson is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on April 14, 2008, and assigned Bar No. 491370.

Answer: Admitted

Allegation #3.

After the states had certified the results of the November 3, 2020, presidential election, Respondents filed federal lawsuits against state election offices and state government officials in four states where President Joseph Biden was certified as the winner - Michigan, Georgia, Wisconsin, and Arizona - which sought to overturn the election results in those states

Answer: Denied. Respondent Johnson did not file any of the referenced lawsuits.

Neither admit nor deny to the extent the documents speak for themselves.

Deny that the lawsuits attempted to "overturn" election results or were anything other than duly filed legal challenges to certain election procedures

and the outcome of those procedures. Characterizations "overturn" and "overturn" are denied as reflective of prejudicial pre-judgment argument based on impermissible prosecutorial prejudice in the initiation and pursuit of these disciplinary proceedings.

Allegation #4.

In each of the lawsuits, Respondents alleged there was election fraud on a vast scale as a result of a conspiracy to falsely inflate or increase the vote count in favor of Biden. The alleged conspirators included, but were not limited to, Dominion Voting Systems (a company that manufactures voting machines), foreign actors from Iran and China, officials of the Democratic and Republican parties, state officials, and local elections workers.

Answer: Denied as Respondent Johnson made no allegations.

Denied as to Respondent's making allegations in the referenced complaints. The description of the allegations made in the referenced complaints is ODC's characterization of the allegations which speak for themselves and to which no answer is required.

Further, neither admit nor deny to the extent the documents speak for themselves.

Allegation #5

The relief Respondents sought included decertifying the election results, disregarding the actual vote count, and declaring former President Donald Trump the winner even though he had lost.

Answer: Denied to the extent the charges mischaracterize Respondent Johnson seeking any relief. The description of the relief sought is ODC's characterization of the relief sought to which no answer is required.

The characterization "declaring former President Donald Trump the winner even though he had lost" is a legal conclusion to which no response is required.

Neither admit nor denied to the extent the documents speak for themselves.

Allegation #6

Respondents knew or should have known the lawsuits were frivolous. They had no plausible factual basis for the claims they made and the relief they sought was unprecedented and beyond the authority of courts to grant.

Answer: Denied as to whether Respondent Johnson "knew or should have known the lawsuits were frivolous" or that claims lacked "plausible factual basis."

Denied as to Respondent Johnson making any claims or seeking any relief in any of the referenced proceedings. The description of the relief sought is ODC's characterization of the relief sought to which no answer is required.

Neither admit nor denied to the extent the documents speak for themselves.

Allegation #7

The lawsuits and the claims that Respondent pursued were also procedurally without basis because of their: failure to follow the procedures established by the states to challenge election proceedings or results; filing claims against state

officials barred by the Eleventh Amendment; pursuing claims on behalf of plaintiffs who lacked standing; and filing untimely claims after the election results were certified.

Answer: Denied. Respondent Johnson did not pursue any claims.

Denied as to the further allegations.

Neither admit nor denied to the extent the documents speak for themselves.

Allegation #8.

Approximately 5.5 million Michigan residents voted in the November 2020 presidential election.

Biden won by more than 150,000 votes.

Answer: Admitted.

No response is warranted for the legal conclusion that "Biden won by more than 150,000 votes."

The statement that "Biden (who had won)" is argumentative and reflective of an inappropriate political motive for the complaint, thereby not requiring any answer. Respondent admits that no full adjudication or trial has taken place regarding the facts of the election to definitively confirm the winner of the 2020 election and therefore, Biden has generally been considered to have emerged from the election as the President of the United States.

As to any information not specifically admitted herein, denied.

Allegation #9.

On November 23, 2020, Michigan's bipartisan Board of Canvassers certified the state results after the 83 bipartisan county boards of canvassers had provided county certifications.

Answer: Admitted to the extent that the record reflects certification documents from the various boards.

As to any information not specifically admitted herein, denied.

Allegation #10.

On November 23, 2020, the Michigan Governor sent the certified results to the Archivist of the United States.

Answer: Admitted to the extent that the Michigan Governor transmitted results to the Archivist of the United States as certifications of the election.

As to any information not specifically admitted herein, denied.

Allegation #11.

Michigan law includes procedures for voters and candidates to raise issues of voting fraud or incorrect vote counts.

Respondents did not seek to use any of these procedures to challenge the Michigan results.

Answer: ODC's generalized vague reference to "procedures" of Michigan law requires no answer.

Neither admitted nor denied as to Michigan law and what it provides for relief speaks for itself.

Denied to the extent the allegation implies that Michigan law limits the procedures or type of claims for candidates to raise legal issues involving voting fraud or incorrect vote counts.

Admitted that Michigan law provides procedures for voters to file complaints for relief provided under Michigan law and that all procedures are available.

Admitted that Count IV of the Amended Complaint claims violations of the Michigan Constitution, Art II, § 4, which provides each qualified Michigan voter the right to seek an audit, without specifying a deadline.

The second sentence of this allegation is ODC's own characterization of the relief sought by Plaintiffs in the Michigan proceeding to which no answer is required. The relief sought by Plaintiffs speaks for itself.

As to any information not specifically admitted herein, denied.

Allegation #12.

Instead, on November 25, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court for the Eastern District of Michigan.

On November 29, 2020, they filed an Amended Complaint and an emergency motion for declaratory and injunctive relief on behalf of six plaintiffs - three of whom they described as "registered Michigan voters and nominees of the Republican Party to be

a Presidential Elector on behalf of the State of Michigan" and three of whom were "registered voters" and chairs of the Republican Party in their district.

They sued the Governor, the Secretary of State, and the Michigan Board of State Canvassers. *King v. Whitmer,* Case No. 20-cv- 13134 (E.D. Mich.).

Answer: Denied to the extent of the allegation that Respondent Johnson filed a complaint on November 25, 2020 or on November 29, 2020 an amended complaint or motion or "sued" anyone in *King v. Whitmer*. Admit that Respondent Johnson's name appears as "of counsel" on the November 29, 2020 amended complaint without definition of the "of counsel" relationship.

To the extent this paragraph consists of a description of the parties in *King v. Whitmer* as created by the Office of Disciplinary Counsel, no response is required.

Neither admit nor denied to the extent the documents speak for themselves.

As to any information not specifically admitted herein, denied.

Allegation #13.

In the amended complaint, Respondents Haller and Johnson and their co-counsel alleged violations of the U.S. Constitution under the Elections and Electors Clauses and the Fourteenth Amendment's Equal protection and Due Process clauses, as well as violations of the Michigan Election Code.

Answer: Denied to the extent that Respondent Johnson did not make any claims.

Denied as to Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* to which no response is required.

Neither admit nor denied to the extent the documents speak for themselves.

Allegation #14.

Respondents' principal claim was that there was "massive election fraud" for the purpose of "illegally and fraudulently manipulating the vote count to elect Joe Biden as President of the United States," which was carried out by a "wide- ranging interstate – and international – collaboration involving multiple public and private actors" which, "at bottom," was "ballot-stuffing" that was "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose."

Answer: Denied to the extent Respondent Johnson did not make any claims.

Denied as to Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* to which no response is required.

Admit to the extent the quoted materials appear in the amended complaint.

Neither admit nor denied to the extent the documents speak for themselves.

As to any information not specifically admitted herein, denied.

Allegation #15.

Respondents claimed that the international conspiracy to perpetrate election fraud "beg[an] with the election software and hardware from Dominion Voting

Systems Corporation ('Dominion') used by the Michigan Board of State Canvassers."

Respondents falsely alleged that Dominion committed "computer fraud" by changing "votes for Trump to votes for Biden," and otherwise "manipulat[ing] Michigan votes."

Respondents had no factual basis for making these claims.

Answer: Denied to the extent Respondent Johnson is alleged to have made any claims.

Denied as to Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* to which no response is required. Neither admitted nor denied as the documents speak for themselves.

The term "falsely alleged" is sufficiently vague that no response is required. Denied as to claims of Respondent making a "false" allegations.

Denied as to allegations of "no factual basis." Further denied to the extent the documents speak for themselves, including in the complaint and amended complaint included voluminous factual allegations and factual support for the claims as filed, including fact witness allegations, expert witness testimony, declarations, affidavits and press reports cited in Section IV of the Amended Complaint, ¶¶ 125 et seq., *e.g.*, ECF 6-14 Colbeck Aff, Mich. Dept. of State Report re Antrim County (cited FN8), ECF 6-9 Texas Sec. of State Report, ECF 6-24, Ramsland Aff, ECF 6-26

Watkins Aff, Penn Wharton 2016 Study (cited FN15), ECF 6-27 Hursti Aff, ECF 6-16 Sens Warren, et al Letter, ECF 6-2 Appel, et al Article, ECF 6-15 House Rep Maloney Letter, ECF 6-18 Joint CISA-FBI Advisory, ECF 6-25 Spider Decl, ECF 6-19 Oltmann Decl, and several other sources cited or discussed in ¶ 157.

Neither admit nor denied as to other representations of the contents of any documents except admit to the extent the quoted materials appear in the amended complaint.

As to any information not specifically admitted herein, denied.

Allegation #16.

Respondents asked the federal court to "set aside the results of the 2020 General Election" and enter an order that, among other things, would (1) enjoin Secretary Benson and Governor Whitmer from transmitting the currently certified election results to the Electoral College; (2) require Governor Whitmer "to transmit certified election results that state that President Donald Trump is the winner of the election"; (3) "impound all the voting machines and software in Michigan for expert inspection" by plaintiffs; and (4) declare that "absentee ballot fraud occurred in violation of Constitutional rights, Election laws, and under state law."

Answer: Denied to the extent Respondent Johnson did not request relief.

Denied as to Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* to which no response is required.

Neither admit nor denied to the extent the documents speak for themselves.

Neither admit nor denied as to other representations of the contents of any documents except admit to the extent the quoted materials appear in the amended complaint.

As to any information not specifically admitted herein, denied.

Allegation #17.

There was no basis for the relief Respondents sought.

Governor Whitmer already had sent the certified election results that Biden was the winner in Michigan *before* Respondents filed their complaints, which they knew.

The parties that Respondents named as defendants in the lawsuit did not own or maintain the voting machines; the machines were owned and maintained by the local governments, which were not parties to the lawsuit.

And asking the District Court to reject or require a recount of absentee ballots would have been contrary to Michigan law as only a candidate may request a recount and the deadline for requesting and completing a recount already had passed *before* Respondents filed the lawsuit.

Answer: The assertion regarding available relief requires a legal conclusion, and as such is neither admitted nor denied. Among other basis of support for the complaint, motions and briefs filed with the district court and the Sixth Circuit the documents speak for themselves regarding any the legal and factual basis supporting this relief, and the statement therefore is neither admitted nor denied.

Admit to the extent Whitmer sent off election results. Neither admit nor deny to the extent the text draws or asserts any legal conclusions. Deny to the extent Respondent filed a complaint.

Neither admit nor deny to the extent the documents speak for themselves.

Admit Michigan Secretary of State Benson was Michigan's highest election official. Neither admit nor deny as to any legal conclusions concerning the Michigan Constitution and Michigan Law regarding Benson's authority to supervise and issue binding rules and guidance to local election officials, which documents speak for themselves. Neither admit nor deny to the extent the complaint speaks for itself regarding Secretary Benson, the legal issues, and the Secretary's control and supervisory authority over the local officials who operate the voting machines.

Neither admit nor deny to the extent any assertions in any sentence seeks to draw a legal conclusion regarding Michigan law, which speaks for itself or the Elector-Plaintiffs' status under Michigan law.

Allegation #18.

As the District Court found, none of Respondents' claims had a factual or legal basis:

The alleged violation of the Elections and Electors Clauses of the U.S. Constitution was based on alleged violations of the Michigan Election Code and thus was a state law claim "disguised" as a federal claim, which Respondents had not challenged under the state procedures;

Respondents offered no facts, but only belief, conjecture, and speculation for the alleged violation of the Equal Protection Clause;

Respondents abandoned their Due Process claim;

The alleged violations of the Michigan Election Code had no factual basis, misstated or misconstrued Michigan's law, and already had been rejected by the Michigan courts - something that Respondents failed to disclose in the complaint and amended complaint.

Answer: Denied to any assertion that Respondent Johnson made any claims.

Neither admitted nor denied as all relevant documents speak for themselves and to the extent the allegation seeks a legal conclusion.

Denied as to Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* to which no response is required. Neither admitted nor denied as the documents speak for themselves.

Denied to the extent the allegation seeks a legal conclusion.

Denied. The Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* requires no response. Neither admitted nor denied as the documents speak for themselves.

Respondent is unable to respond to this allegation as it is unclear and factually unintelligible, ostensibly seeking a legal conclusion to which no

response is required. The complaint and amended complaint speak for themselves regarding any asserted due process violations and therefore no response is required.

Denied. The Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* requires no response. Neither admitted nor denied as the documents speak for themselves, including the complaint and amended complaint and the offered voluminous evidence in support the alleged Michigan Election Code violations, which are set forth in Section II of the complaint and amended complaint, including sworn statements provided by dozens of witnesses, nearly all of whom were Republican election observers and challengers. The complaint also provides sworn testimony from the two Republican members of the Wayne County Board of Canvassers who stated that they would not have voted to certify results, but they did so due to credible threats of violence and death against themselves and their family members.

As to any information not specifically admitted herein, denied.

Allegation #19

Respondents falsely alleged that that Dominion's systems derived from software designed by Smartmatic Corporation and that both Dominion and Smartmatic were founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation so that Hugo Chavez never lost an election.

The purported source cited for this claim was an anonymous, redacted, and unsigned affidavit from an alleged former member of Venezuela's presidential security detail.

But available public information showed that a Canadian businessman founded Dominion and still served as its CEO, and Dominion once licensed its technology to Smartmatic, not the other way around as Respondents alleged.

Answer:

The term "falsely alleged" is vague and therefore does not require a response. Denied to the extent that Respondent Johnson did not make allegations.

Denied to the extent that Respondent Johnson did not make false allegations.

Denied, and to the extent this paragraph consists of Office of Disciplinary Counsel's characterization of the allegations in the complaint and amended complaint filed in *King v. Whitmer*, which speaks for itself and for which no response is required for characterizations of that document.

The characterization of "the source" is denied to the extent one "one" source" is inferred for the factual basis for the complaint's allegations regarding the 2020 election in Michigan.

Neither admitted nor denied to the extent Office of Disciplinary Counsel's characterizes the complaint including the vague undefined term "available public information" regarding the founding and provenance of Dominion and its software, to which no response is required.

Neither admitted nor denied to the extent any further relevant documentation speaks for itself.

Denied to the extent that any publicly available information presented in the complaint, including the 2016 Penn Wharton Study (cited FN15 and discussed in ¶ 157.f of the Amended Complaint) provides relevant information, which document speaks for itself.

Allegation #20.

Respondents falsely claimed that Dominion software was being "accessed by agents acting on behalf of China and Iran in order to monitor and manipulate elections, including the most recent US general election in 2020."

Respondents relied on an anonymous affidavit of someone referred to as "Spider" or "Spyder" and who Respondents falsely represented was "a former US Military Intelligence expert." In fact, "Spider" had no such expertise, had claimed he had not told counsel that he had such expertise, and had in fact spent most of his time in the Army as a vehicle mechanic

Answer: The term “falsely alleged” is vague and therefore does not require a response.

Denied to the extent that Respondent Johnson did not make allegations.

Denied to the extent that Respondent Johnson did not make false allegations.

Denied, and to the extent this paragraph consists of Office of Disciplinary Counsel’s characterization of the allegations in the

complaint and amended complaint filed in *King v. Whitmer*, which speak for themselves and for which no response is required.

Denied that Respondent Johnson relied on any anonymous affidavit.

Denied that Respondent "falsely" made any representations.

Respondent cannot affirm or deny the Office of Disciplinary Counsel's characterizations regarding a "Spider" or "Spyder."

The complaint includes evidence supporting the inference that Iran and China had or could have accessed Dominion voting machines, including ECF 6-18, Joint CISA-FBI Cybersecurity Advisory re Iran Hacking, ECF 6-28, Halderman testimony in Curling v Raffensberger, 6-2, Appel, et al Article and voluminous public information regarding Dominion security flaws, e.g., ECF 6-9 Texas Sec. of State Certification Denial.

The complaint includes sworn testimony from a number of witnesses, including former Michigan State Senator Patrick Colbeck, ¶¶ 130-131 that the Dominion machines were connected to the Internet and transferred voting data over the Internet – in violation of the requirements set forth in Michigan election rules and federal laws.

Allegation #21.

Respondents falsely claimed that a Michigan Democratic Party member was in charge of Michigan's procurement and certification process for Dominion hardware and software.

Publicly available information showed that in 2017, a Republican Secretary of State selected Dominion and two other companies, which the bipartisan Board of State Canvassers approved and certified. Each county had the option of using any of the three approved and certified vendors.

Of Michigan's 83 counties, 65 elected to use Dominion hardware and software, including many Republican majority counties. Notably, 90% of the counties using Dominion machines were carried by Trump.

Answer: The term "falsely alleged" is vague and therefore does not require a response.

Denied to the extent that Respondent Johnson did not make allegations.

Denied to the extent that Respondent Johnson did not make false allegations.

This allegation is Office of Disciplinary Counsel's characterization of the complaint and amended complaint filed in *King v. Whitmer* which speaks for itself and for which no response is required.

The characterization of "publicly available information" is vague and undefined, Respondent therefore cannot admit or deny this allegation.

The allegation is the Office of Disciplinary Counsel's characterization of the complaint, which speaks for itself and for which no response is required.

Respondent cannot either affirm or deny the allegation as "publicly available" information speaks for itself.

This allegation reflects the Office of Disciplinary Counsel's characterization, to which no response is required.

This allegation amounts to the Office of Disciplinary Counsel's factual testimony which Respondent cannot confirm or deny, and to which no response is therefore required.

Allegation #22.

Citing the affidavit of Patrick Colbeck, Respondents falsely claimed that Dominion hardware connected to the Internet.

Colbeck claimed only that he saw an icon on Wayne County tabulation and adjudication equipment that indicated internet connection.

Colbeck's affidavit previously had been submitted to a Michigan state court, which found no evidence to support his position – a fact that Respondents did not disclose to the District Court.

Answer: The term "falsely claimed" is vague and therefore does not require a response.

Denied regarding Dominion hardware connecting to the internet.

The Office of Disciplinary Counsel's allegation that Respondent Johnson made any claim is denied.

Denied to the extent that Respondent Johnson did not make false claims.

The Office of Disciplinary Counsel's allegation amounts to a testimonial allegation to which no response is required.

Denied. Further, this allegation consists of the Office of Disciplinary Counsel's characterization of the allegations in the complaint and amended complaint filed in *King v. Whitmer* which speak for themselves and for which no response is required.

Respondent is without sufficient information to either affirm or deny this allegation regarding any prior materials.

The Office of Disciplinary Counsel's characterization regarding any unspecified prior materials is not sufficient to permit a response.

Denied that Respondent did not disclose any information to the District Court that he had an obligation to disclose.

Allegation #23.

Respondents falsely claimed that Dominion hardware had "glitches" that hurt Trump and helped Biden.

But the affidavits and articles Respondents cited, none of which focused on the equipment used or on what occurred in Michigan, did not support their claims.

Answer: The term "falsely claimed" is vague and therefore does not require a response.

Denied. Respondent Johnson did not make any claims. This paragraph consists of the Office of Disciplinary Counsel's characterization of the

allegations in the complaint and amended complaint filed in *King v. Whitmer* which speaks for itself and for which no response is required.

The terms of any documents referenced in this allegation speak for themselves, to which no response is required.

The assertion with regard to claim support of "their" claims is denied as Respondent did not make any claims.

The term "focused" is so vague as to preclude any ability to affirm or deny the allegation even if the allegation were subject to response, which as an allegation asserted as coming from Respondent, it is not subject to response.

Allegation #24

Respondents falsely claimed that Dominion "undetectably switched Trump votes to Biden in Antrim County, which was only discoverable through a manual recount."

Weeks before Respondents' lawsuit, the Antrim County Clerk had reported "apparently skewed results in the Unofficial Election Result tabulations," which the Secretary of State investigated.

As publicly reported on November 7, 2020, the error in reporting the unofficial results was the "result of a user error that was quickly identified and corrected; did not affect the way ballots were actually tabulated; and would have been identified in the county canvass before official results were reported even if it had not been identified earlier."

The manual recount was not completed until December 17, 2020 – weeks after Respondents filed the complaint (although nevertheless alleged had exposed fraud), and ten days after the federal court ruled against them.

Answer: The term "falsely claimed" is vague and therefore does not require a response.

Denied. Respondent Johnson did not make any claims. This paragraph consists of the Office of Disciplinary Counsel's characterization of the allegations in the complaint and amended complaint filed in *King v. Whitmer* which speaks for itself and to which no response is required.

The allegation of the term "investigation" by the Secretary of State is undefined and non-specific such that Respondent can neither affirm or deny an allegation devoid of facts. Any documents reflecting statements by the Antrim County Clerk speak for themselves and no response is required.

Respondent Johnson has no basis to admit or deny this statement as the term and reference to "documents" "publicly reported" is so vague as to preclude affirmation or denial. Any documents supporting the allegation speak for themselves, and are therefore not subject to affirmation or denial.

The Office of Disciplinary Counsel reference to what it characterizes as an unspecific "press report" is so vague and undefined that Respondent Johnson is neither able to admit or deny this statement.

Respondent Johnson did not file the complaint. Respondent Johnson cannot confirm or deny the "completion" of the manual recount date as referenced in this allegation. The phrase "(although nevertheless alleged had exposed fraud)" is unintelligible and therefore not subject to a response.

Allegation #25

To support their claims of"massive election fraud," Respondents cited to and relied on reports by alleged "experts" about statistical phenomena.

Respondents' alleged "experts" had no expertise in voting and their data and methods or both were flawed, which Respondents knew or reasonably should have known.

Those experts included, but were not limited to Russell Ramsland, Matthew Braynard, William Briggs, Thomas Davis, and Eric Quinnell.

Respondents also misrepresented what some of their other "experts" said in their reports, including Robert Wilgus, and Stanley Young.

Answer: Denied. Respondent Johnson did not make any of the referenced claims, citations, allegations or intend "reliance." This paragraph consists of Office of Disciplinary Counsel's argumentative characterization of the evidence and testimony provided in the complaint and amended complaint filed in *King v. Whitmer* which speak for themselves and to which no response is required.

Denied. Office of Disciplinary Counsel's blanket, categorical statements regarding the experts is unintelligible to which no answer is possible or required. Respondent is without knowledge whether any individuals

whose opinions were offered as expert in the field indicated, had ever voted or even how one might acquire expertise in "voting."

The term "flawed" is vague and therefore need not be the subject of an answer. Denied that respondent knew or should have known that data and/or methods were "flawed."

The testimony submitted in *King v Whitmer* speaks for itself, and is not subject to affirmation or denial as characterized by the Office of Disciplinary Counsel.

Admitted as to whether Russell Ramsland, Matthew Braynard, William Briggs, Thomas Davis, and Eric Quinnell are "experts."

The allegation of misrepresentation of "what some of their other "experts" said in their reports, including Robert Wilgus, and Stanley Young" is vague and non-specific such that Respondent is unable to provide an answer, and to which an answer is therefore not required.

Allegation #26.

Even after other parties disclosed the errors in the data, analysis, and findings of Respondents' "experts" to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

Answer: The allegation of "disclosed the errors" is vague and unspecific to the point where no answer is needed or required.

Denied. Respondent did not cite or rely on expert reports.

This paragraph consists of Office of Disciplinary Counsel's generalized, unspecific characterization of the evidence and testimony presented by the parties in *King v. Whitmer* which speaks for itself and for which no response is required or possible.

Allegation #27.

Respondents alleged that election workers and state, county, and city employees had engaged in illegal conduct in concert with Dominion to facilitate and cover up voting fraud - something for which Respondents offered no proof but, as the District Court found, only "speculation and conjecture."

The affidavits and statements of poll watchers and others that Respondents attached to their amended complaint were from people with whom Respondents had not spoken.

Most, if not all, of the affidavits and statements had been presented in other proceedings and had been discredited by state court judges - something Respondents failed to disclose to the District Court.

Answer: Denied. Respondent Johnson did not make any allegations.

This paragraph consists of the Office of Disciplinary Counsel's characterization of the allegations, evidence and testimony in the complaint and amended complaint filed in *King v. Whitmer* which speaks for itself and for which no response is required or possible.

The District Court's findings speak for themselves for which no answer is required.

The reference to affiants, poll workers and others is vague and not subject to response. Admit as to Respondent Johnson's having spoken to some individuals who may have been affiants, poll workers and others. Respondent is without knowledge as to all other Respondents and therefore can neither admit nor deny the allegation.

Admit that some affidavits and declarations had been filed in other proceedings. The term "discredited" by "state court judges" is so vague and imprecise that Respondent can neither admit nor deny that the affidavits and declarations were "discredited" by Michigan state court judges.

Deny that Respondent failed to disclose anything he had an obligation to disclose to the District Court.

Allegation #28.

Respondents knew or should have known that there was no basis for their fraud claims based on these affidavits and statements, but they never withdrew or amended their claims even after evidence refuting them was presented to the court (and Respondents).

Answer: Denied. Respondent Johnson did not make any claims.

Denied that Respondent knew or should have known that there was no basis for fraud claims based on the affidavits and statements submitted.

This paragraph consists of Office of Disciplinary Counsel's characterization of the allegations in the complaint and amended complaint filed in *King v. Whitmer* which speaks for itself and for which no response is required.

Further the allegation calls for a legal conclusion to which no response is required.

Admit that Respondent did not undertake to cause any withdrawal of pleadings.

Allegation #29.

On December 7, 2020, the District Court denied Respondents' motion for declaratory and injunctive relief.

It found that the relief they had requested was "stunning in its scope and breathtaking in its reach," and "would disenfranchise the votes of the more than 5.5 million Michigan citizens who, with dignity, hope, and a promise of a voice, participated in the 2020 General Election."

The District Court also found that the requested relief rendered the case moot:

"This case represents well the phrase: 'this ship has sailed.' The time has passed to provide most of the relief Plaintiffs requested in their Amended Complaint; the remaining relief is beyond the power of any court."

Answer:

Denied in that Respondent Johnson did not file any motion or other pleading.

Admit that the District Court entered an order denying relief.

This allegation consists of Office of Disciplinary Counsel's characterization of the December 7, 2020 order of the Court in *King v. Whitmer* which speaks for itself and for which no response is required.

As to further findings, any Court order speaks for itself and therefore no admission or denial is required.

Allegation #30.

The District Court found that there was no evidence to support the alleged scheme by defendants to cause votes for Trump to be changed to votes for Biden.

Rather, it found that "this lawsuit seems to be less about achieving the relief Plaintiffs seek-as much of that relief is beyond the power of this Court-and more about the impact of their allegations on People's faith in the democratic process and their trust in our government."

Answer: Denied in that Respondent Johnson did not file any motion or other pleading.

Admitted to the extent of the language quoted is found in the referenced court order.

The December 7, 2020 order of the Court in *King v. Whitmer* speaks for itself, to which no response is required.

Denied as to any other characterization of the court order, including any characterization of any "finding" in the order.

Denied to the extent a reference is made to evidence or a "scheme."

Allegation #31.

The District Court held that Respondents' claims were subject to dismissal on numerous grounds, including that they were barred by Eleventh Amendment immunity; doctrines of mootness, laches, and abstention; and plaintiffs' lack of standing.

Answer:

Denied in that Respondent Johnson did not make claims.

Denied to the extent this paragraph consists of Office of Disciplinary Counsel's characterization of the December 7, 2020 order of the Court in *King v. Whitmer* which document speaks for itself, including all elements of what the Court held and/or found, and therefore, no response admitting or denying the characterization of the order is required.

Allegation #32.

Respondents did not seek to dismiss their lawsuit after the District Court's decision, even though they had alleged that the results of the election would be considered conclusive on December 8, 2020, after which no relief was possible. Nor did they seek to dismiss it after Michigan's electoral votes were cast on December 14, 2020, despite their statements to the Supreme Court of the United States that "[o]nce the electoral votes are cast, subsequent relief would be pointless" and their "petition would be moot."

Answer:

Admitted Respondent Johnson did not seek to dismiss the lawsuit after the District Court's decision or after Michigan's electoral votes were cast on December 14, 2020.

The allegations and Supreme Court statements speak for themselves to which no response admitting or denying is required.

Denied to the extent Respondent Johnson did not file any pleadings or make any representations or allegations to the District Court, nor did he make any representations to the Supreme Court.

Denied to the extent this allegation consists of Office of Disciplinary Counsel's characterization of the *King v. Whitmer* pleadings submitted to

the District Court and the Supreme Court which speak for themselves and to which no response admitting or denying is required.

Any allegation not specifically admitted is denied.

Allegation #33.

Respondents' co-counsel filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit on December 8, 2020.

While that appeal was pending, Respondents Haller and Johnson with their co-counsel filed a petition for writ of certiorari with the Supreme Court of the United States on December 11, 2020.

In the petition, Respondents repeated their false claims that the Michigan Governor, Secretary of State, the Board of State Canvassers, and "their collaborators" had "executed a multifaceted scheme to defraud" and used Dominion Voting Systems to "achieve election fraud."

Their request for relief - ordering the defendants to decertify the results of the general election for Biden (who had won) or order them to certify the results in favor of Trump (who had lost)-was unprecedented and beyond the authority of the court to grant.

Answer: Denied to the extent that Respondent was simply “of counsel” not “co-counsel” and made no such filings in any indicated court.

Denied in that Respondent did not file any notice of appeal with the Sixth Circuit on December 8, 2020. Admitted insofar as a notice of appeal with the U.S. Court of Appeals for the Sixth Circuit was filed.

Any notice of appeal with the United States Court of Appeals for the Sixth Circuit on December 8, 2020 speaks for itself to which Respondent is not required to admit or deny.

Denied to the allegation that Respondent Johnson filed a petition for a writ of certiorari to the U.S. Supreme Court, which he did not.

The term "repeated false claims" is vague and not subject to an answer.

Denied to extent the allegations characterize the "claims" as "false." The Office of Disciplinary Counsel's characterization of the allegations made and the relief requested, respectively, in the petition for certiorari filed with the U.S. Supreme Court require no response in that the documents speak for themselves and no answer is required.

Denied in that the Office of Disciplinary Counsel's characterization of the requested relief calls for a legal conclusion to which no response is required. The request for relief speaks for itself for which no answer is required.

The allegation that Biden "won" or that Trump "lost" the 2020 election calls for a legal conclusion for which no response is required.

The statement that "Biden (who had won)" is argumentative and reflective of an inappropriate political motive for the complaint, thereby not requiring any answer. Respondent admits that no full adjudication or trial has taken place regarding the facts of the election to definitively confirm the winner of the 2020 election and therefore, Biden has generally been

characterized to have emerged from the election as the President of the United States.

The terms "unprecedented and beyond the authority of the court to grant" are vague and not subject to an answer. Denied to the extent that any relief in election cases was unprecedented and beyond the authority of the court to grant.

Allegation #34.

In a motion requesting the Supreme Court of the United States to consolidate their petition to overturn the results in Michigan with the petitions that Respondents filed to overturn the results in other states, Respondents represented that the Michigan Republican slate of presidential electors, as well as the Republican slates in Georgia, Wisconsin and Arizona, had all cast their votes for Trump and that "[t]hese four slates of electors have received the endorsement of the legislatures in each of these States, as reflected in permission for them to cast (or attempt to cast) their electoral votes . . ." In fact, none of the state legislatures in these states had endorsed the Republican slate of their respective states.

Answer: Denied in that Respondent made any filings or representations in any pleadings in any court, as Respondent was simply "of counsel" not "co-counsel."

Denied in all mischaracterizations or vague characterizations of any petition regarding a filing to "overturn" election results in that all documents speak for themselves and do not require any response or answer.

Denied as to any allegations of any "representations" regarding electors as all documents speak for themselves and do not require any response or answer.

Admitted that all language quoted from filings is language in such filings.

Denied as to any assertion of a state legislature "endorsement" as such assertion is vague, undefined and not susceptible to any answer admitting or denying.

Any allegation not specifically admitted is denied.

Allegation #35.

In mid and late December 2020, the defendants and intervenors in the Michigan District Court case filed motions to dismiss and some of them also filed motions for sanctions.

Answer: Admitted

Allegation #36.

After seeking and obtaining an extension to respond to the motions, Respondents and their co-counsel filed notices to dismiss as to the defendants on January 14, 2021, and a further notice to dismiss as to one of the intervenors on January 17, 2021.

Answer: Denied in that Respondent made any filings or representations in any pleadings, as Respondent was simply "of counsel" not "co-counsel."

All filings of notices speak for themselves and do not require a response of answer.

Any allegation not specifically admitted is denied.

Allegation #37.

On or about January 26, 2021, Respondents and their co-counsel entered into a stipulation with counsel for the defendants and the intervenors to dismiss the appeal of the District Court's December 7, 2020 decision.

Answer: Denied in that Respondent made any filings or representations in any pleadings and did not enter into a stipulation with counsel for defendants as Respondent was simply “of counsel” not “co-counsel.”

Admitted that a stipulation was agreed to by certain parties.

All filings of notices speak for themselves and do not require a response of answer.

Any allegation not specifically admitted is denied.

Allegation #38.

On February 22, 2021, the Supreme Court denied Respondents' petition for a writ of certiorari.

Answer: Admitted to the extent that the Supreme Court denied a petition for a writ of certiorari in the election matter on February 22, 2021.

Denied as to any assertion of the petition being Respondent Johnson’s petition.

Allegation #39.

The District Court later sanctioned Respondents and the other lawyers representing the plaintiffs, finding that the lawsuit was "a historic and profound abuse of the judicial process" and that Respondents and the other lawyers engaged in litigation

practices that were abusive and therefore sanctionable:

> The attorneys who filed the instant lawsuit abused the well- established rules applicable to the litigation process by proffering claims not backed by law; proffering claims not backed by evidence (but instead, speculation, conjecture, and unwarranted suspicion); proffering factual allegations and claims without engaging in the required prefiling inquiry; and dragging out these proceedings even after they acknowledged that it was too late to attain the relief sought.

Answer: Denied in that Respondent made any filings or representations in any pleadings and that Respondent was simply "of counsel" not "co-counsel."

Admitted to the extent that the District Court entered an order sanctioning Respondent Johnson and other lawyers.

The order speaks for itself and an answer to the Office of Disciplinary Counsel's characterization does not require a response either admitting or denying.

Admitted that the language quoted directly from the order is language from the order.

Denied as to all other assertions.

Any assertion not specifically admitted is denied.

Allegation #40.

The District Court found that Respondents "did not provide a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law to render their claims ripe or timely, to grant them standing, or to avoid Eleventh Amendment immunity." The District Court found that "[t]he same can be said for [their] claims under the Elections and Electors, Equal Protection, and Due Process Clauses, and the alleged violations of the Michigan Election Code." Finally, the

District Court found that Respondents "have not identified any authority that would enable a federal court to grant the relief sought in this lawsuit."

Answer: Admitted to the extent that the District Court entered an order sanctioning Respondent Johnson and other lawyers and making findings. The order document speaks for itself and an answer to the Office of Disciplinary Counsel's characterization does not require a response either admitting or denying.

Admitted that the language quoted directly from the order is language quoted directly from the order.

Denied as to all other assertions.

Any assertion not specifically admitted is denied.

Allegation #41.

The District Court further found that the claims of Respondents had no factual basis which they knew or should have known because they had no evidentiary support for numerous factual assertions; they presented conjecture, speculation, and guesswork as support for their claims of fraud and misconduct; they failed to conduct due diligence before recycling affidavits from other cases; and they failed to inquire into outlandish and easily debunked numbers from their "experts."

Answer: Admitted to the extent that the District Court entered an order sanctioning Respondent Johnson and other lawyers and making findings.

The order document speaks for itself and an answer to the Office of Disciplinary Counsel's characterization does not require a response either admitting or denying.

Denied as to all other assertions.

Admitted that the language quoted directly from the order is language quoted directly from the order.

Any assertion not specifically admitted is denied.

Allegation #42.

The District Court found that "their ultimate goal was the decertification of Michigan's presidential election results and the certification of the losing candidate as the winner – relief not 'warranted by existing law or a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.'"

Answer: Admitted to the extent that the District Court entered an order sanctioning Respondent Johnson and other lawyers and making findings. The order document speaks for itself and an answer to the Office of Disciplinary Counsel's characterization does not require a response either admitting or denying.

Admitted that the language quoted directly from the order is language quoted directly from the order.

Denied as to all other assertions.

An assertion not specifically admitted is denied.

Allegation #43.

Respondents appealed the District Court's decision sanctioning them to the Sixth Circuit. On June 23, 2023, the Sixth Circuit found that numerous claims that Respondents had made were frivolous and had no basis in fact or law, including, but not limited to, their claims about Dominion voting systems, statistical "anomalies" in the election results that allegedly demonstrated fraud, and affidavits demonstrating tens of thousands of fraudulent votes.

The Sixth Circuit also found that most of Respondent's legal claims relied exclusively on frivolous allegations of widespread voter fraud and most of their claims against the defendants were both legally and factually frivolous.

Answer: Denied to the extent Respondent Johnson did not file the appeal to the Sixth Circuit. Admitted that an appeal was filed regarding the District Court's sanction order.

Admitted to the extent that the Sixth Circuit entered an order regarding the District Court order sanctioning Respondent Johnson and other lawyers and making findings.

The Sixth Circuit order document speaks for itself and an answer to the Office of Disciplinary Counsel's characterization does not require a response either admitting or denying.

Denied as to all other assertions.

Any assertion not specifically admitted is denied.

Allegation #44.

Respondents and their co-counsel sought *en bane* review, which the Sixth Circuit denied on August 8, 2023.

Answer: Denied to the extent Respondent Johnson did not file a request for an *en banc* review of the appeal to the Sixth Circuit.

Admitted that a request was filed for an *en banc* review of the Sixth Circuit order regarding the District Court's sanction order.

Admitted a request for *en banc* review was denied.

Denied as to all other assertions.

Any assertion not specifically admitted is denied.

Allegation #45.

Respondents' conduct violated the following Michigan and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney *(see* Rule 46(c) of the Federal Rues (sic) of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;

Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

Mich. Rule 8.4(b) / D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

Mich. Rule 8.4(c) / D.C. Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to or seriously interferes with the administration of justice.

Answer: Denied.

The assertions call for conclusions of law to which a response is not required.

The assertions refer to D.C. Rules of Professional Conduct which are not applicable in this proceeding, and therefore no response is required.

Allegation #46.

On November 20, 2020, Georgia Secretary of State Brad Raffensperger certified the results of the 2020 presidential election, showing that 2.475 million votes were cast for Biden and 2.462 million votes were cast for Trump.

Answer: Admitted to the extent that on November 20, 2020, Georgia Secretary of State Brad Raffensperger issued a document purporting to certify the results of the 2020 presidential election, alleging that 2.475 million votes were cast for Biden and 2.462 million votes were cast for Trump. Deny all other assertions in this allegation.

Allegation #47.

On that same day, Governor Brian Kemp sent the certified results of the U.S. presidential race in Georgia to the Archivist of the United States.

Answer: Admitted to the extent on November 20, 2020, Governor Brian Kemp sent a document purporting to be a certification of the results of the U.S. presidential

race in Georgia to the Archivist of the United States. Deny all other assertions in this allegation.

Allegation #48.

Prior to the certification of the Georgia results, the federal agency tasked with overseeing election security determined that the 2020 general elections "was the most secure in American history" and cybersecurity experts determined that there was "no evidence than any voting system deleted or lost votes, changed votes, or was in any way compromised."

The State of Georgia independently had confirmed the accuracy of the presidential elections results in the state through (a) a statewide risk-limiting audit that confirmed the results of the presidential election; (b) a hand audit of all ballots cast in the presidential race for every county in the state that also confirmed the results of the election; and (c) independent testing by a federally-certified voting systems test lab that performed an audit of the voting machines after the November 3, 2020 election confirming that the security of the state's electronic voting equipment had not been compromised. All this information was a matter of public record prior to November 25, 2020.

Answer: Denied as the reference to 'the federal agency' "tasked with overseeing election security" is vague and not susceptible to a response.

Any quotation regarding the 2020 general elections speaks for itself and is not susceptible to a response.

Deny that a "statewide risk-limiting audit" confirmed the results of the presidential election.

Deny that a hand audit of all ballots cast in the presidential race for every county in the state confirmed the results of the election.

Deny that "independent testing by a federally-certified voting systems test lab that performed an audit of the voting machines after the November 3, 2020 election" confirmed that the security of the state's electronic voting equipment had not been compromised."

The statement that "All this information was a matter of public record prior to November 25, 2020" is so vague as to not be susceptible to any response.

Allegation #49.

The State of Georgia independently had confirmed the accuracy of the presidential elections results in the state through (a) a statewide risk-limiting audit that confirmed the results of the presidential election; (b) a hand audit of all ballots cast in the presidential race for every county in the state that also confirmed the results of the election; and (c) independent testing by a federally-certified voting systems test lab that performed an audit of the voting machines after the November 3, 2020 election confirming that the security of the state's electronic voting equipment had not been compromised. All this information was a matter of public record prior to November 25, 2020.

Answer:

The phrases "independently confirmed," "confirmed," "accuracy," and "election results" are vague and non-specific, therefore this allegation is not subject to response.

Admitted that the State of Georgia asserted it took steps to independently confirm the accuracy of the presidential elections results in that state.

Deny that a "statewide risk-limiting audit" confirmed the results of the presidential election.

Deny that a hand audit of all ballots cast in the presidential race for every county in the state "confirmed" the results of the election.

Deny that "independent testing by a federally-certified voting systems test lab that performed an audit of the voting machines after the November 3, 2020 election" "confirmed" that the security of the state's electronic voting equipment had not been compromised.

The statement that "All this information was a matter of public record prior to November 25, 2020" is so vague regarding "this information" and "public record" as to not be susceptible to any response.

Any statement not admitted is denied.

Allegation #50.

The Secretary of State audited all the absentee ballots for Cobb County. That audit also confirmed the results of the election and that there had been no "massive fraud" or failure to follow and comply with the State's requirements relating to absentee ballots. [1] After the certification, the Trump campaign requested a post-certification recount that again confirmed the results of election

Fn 1Secretary of State Raffensperger reported and later testified about that audit which involved a random sample of approximately 15,000 ballots of the total 150,000 Cobb County ballots. The Secretary of State's audit

found only two envelopes that were not handled in the appropriate way and should have been flagged. According to the Secretary of State, both envelopes had been signed by the voter's spouse, one because the voter had a health issue, and the other because of confusion about the process.

Answer: Admit that the Secretary of State represented that he took steps to audit all the absentee ballots for Cobb County.

Respondent does not have sufficient information to respond to the allegation that such audit actually "confirmed the results of the election" or the allegation that the audit actually confirmed that there was no "massive fraud" and, in addition to the vague and uncertain terms asserted, no response is required.

Respondent does not have sufficient information to respond to the allegation that the requirements of the State regarding absentee ballots was confirmed by the purported audit and therefore cannot respond.

Respondent does not have sufficient information to respond that a "post-certification recount" actually confirmed the purported results of election and therefore cannot respond.

The Respondent does not have sufficient information to respond to the Secretary of State's claims regarding the procedures or results to admit or deny the Secretary's claims and therefore cannot respond.

Any statement not specifically admitted is denied.

Allegation #51.

Respondent Haller and her co-counsel did not use any of the election-contest procedures established and available under Georgia state law to challenge the

election results in Georgia. Instead, she and her co-counsel waited until November 25, 2020, five days *after* Secretary of State Raffensperger had certified the results and Governor Kemp sent them to the Archivist, to file their lawsuit in United States District Court for the Northern District of Georgia, seeking to overturn the state's presidential election results. *Pearson v. Kemp,* Case No. 1:20-cv-04809 (N.D. Ga.).

Answer: Denied.

Reference to any "co-counsel" is vague precluding thereby the necessity for any response.

Admit a lawsuit was filed November 25, 2020.

The lawsuit complaint speaks for itself however Respondent denies that the petition sought to "overturn" the election results in Georgia, such characterization being argumentative and reflective of an inappropriate political motive for the complaint, thereby not requiring any answer.

Any statement not specifically admitted is denied.

Allegation #52.

Respondent Haller and her co-counsel sued Raffensperger, Kemp, and the Members of the State Election Board, alleging "massive election fraud" that they claimed violated the Constitution, *i.e.,* the Elections and Electors Clauses and the Fourteenth Amendment's Equal Protection and Due Process clauses, which were substantially similar if not the same as the Constitutional claims that they included in the federal lawsuit filed in Michigan (and that they would include in other federal

lawsuits filed several days later in Wisconsin and Arizona). They also claimed violations of Georgia law.

Answer: Admit a lawsuit was filed with a reference to Respondent Haller.

Reference to any "co-counsel" is vague precluding thereby the necessity for any response.

The lawsuit complaint speaks for itself, thereby not requiring any answer. Any statement not specifically admitted is denied.

Allegation #53.

Respondent Haller's claims of "massive election fraud" in the federal action in Georgia were similar if not identical to the claims that she and her co- counsel had made in the federal court action in Michigan (as well as Wisconsin, and Arizona discussed below). They included, among other false claims, that Dominion and Smartmatic were founded by foreign oligarchs and dictators, and that Dominion Voting Systems, foreign actors from China and Iran, and others had conspired to somehow uploaded an algorithm to the state's electronic voting equipment and/or hacked the equipment to switch votes from Trump to Biden. Respondent Haller knew or should have known these claims had no basis in fact

Answer: Admit a lawsuit was filed with a reference to Respondent Haller.

Reference to any "co-counsel" is vague precluding thereby the necessity for any response.

The lawsuits referenced speak for themselves, thereby not requiring any answer.

Characterizations “Haller’s claims” are sufficiently vague and non-specific that no response is required. Any statements by Haller speak for themselves, thereby precluding the need to respond.

Denied as to the characterization of claims regarding Dominion. Reference to other characterizations of claims regarding Dominion are sufficiently vague as to preclude the need to respond.

Respondent has insufficient knowledge as to the extent of Haller’s knowledge thereby precluding the ability to admit or deny, or the obligation to respond, to the allegation that Haller knew or should have known these claims had no basis in fact.

Any statement not specifically admitted is denied.

Allegation #54.

To support their conspiracy claims, Respondent Haller and her co-counsel attached affidavits from many of the same "experts" who provided supporting affidavits in the federal lawsuits in Michigan (and lawsuits they later filed in Wisconsin and Arizona). They included the affidavit of "Spider" who they falsely claimed was a "former US Military Intelligence expert."

Answer: Respondent is without sufficient knowledge to respond to the allegation of motives or to understand who is included in the term “Haller and her co-counsel” why they may have “attached affidavits (sic)” or to what the affidavits were purportedly attached. Therefore no response is required.

Any affidavit of “Spider” speaks for itself, thereby precluding the need to respond.

The term “falsely claimed” is vague and non-specific as to preclude the requirement to respond. Denied that it was falsely claimed that “Spider” was a "former US Military Intelligence expert."

Allegation #55.

Respondent Haller and her co-counsel also used the analysis of their alleged "experts" in the Michigan case that they knew or should have known used flawed data and applied faulty analysis to support their claims of "ballot stuffing" and "massive fraud." The "experts" included Matt Braynard, William Briggs, Eric Quinnell, Russel Ramsland, and Shiva Ayyadurai

Answer: Respondent is without sufficient knowledge to understand who is included in the term “Haller and her co-counsel” or what they knew or should have known.

The terms “flawed data” and “faulty analysis” are sufficiently vague and non-specific as to preclude a response. Admitted that Matt Braynard, William Briggs, Eric Quinnell, Russel Ramsland, and Shiva Ayyadurai were considered “experts” for this matter.

Denied that the attorneys knew or should have known the quality of the data and analysis.

Any statement not admitted is denied.

Allegation #56.

Even after the errors in the data, analysis, and findings of Respondents' "experts" were disclosed to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

Answer: Reference to "errors in the data, analysis and findings" and the timing thereof is sufficiently vague to preclude the necessity of any response.

All citation of such reports speaks for itself, thereby precluding the necessity of any response.

Allegation #57.

The federal lawsuit that Respondent Haller and her co-counsel filed repeated claims from an earlier lawsuit filed by one of her co-counsel L. Lin Wood. *Wood v. Raffensperger,* Case No. 1:20-cv-04651-SDG. In the earlier lawsuit filed on November 13, 2020 (and amended on November 16, 2020), Wood in his capacity as "a qualified elector and registered voter," sued the Georgia Secretary of State and Members of the Georgia State Election Board and sought to have a federal court judge prohibit the certification of the election results in Georgia based on the alleged "unauthorized actions in the handling of absentee ballots within th[e] state."

Answer: The statement that a federal lawsuit "repeated claims" from another lawsuit is sufficiently vague and non-specific to preclude the necessity of any response.

The lawsuit by Mr. Wood speaks for itself and thereby no response is required.

Allegation #58.

On November 20, 2020, the federal judge in *Wood v. Raffensperger* issued an opinion and order finding that Wood lacked standing to challenge Georgia's absentee voter procedures; his claims were barred by laches; he was not entitled to relief because he failed to show that any class of voters was treated differently; the only burden resulting from the state's signature requirements was on absentee and provisional voters; the rejection rate for such voters was the same as in previous elections; and the absentee-voter procedures implemented by Secretary Raffensperger added additional safeguards to ensure election security, sought to ensure consistency among the counties, and was within the authority delegated to him by the state legislature.

Answer: Any opinion issued on November 20, 2020 speaks for itself, thereby precluding the need for any response.

Allegation #59.

Notwithstanding the ruling in *Wood v. Raffensperger* and the absence of evidence to support Wood's claims, Respondent Haller and her co-counsel repeated many of the same claims about absentee votes in the action they filed in the federal court in Georgia, including that Georgia should have rejected absentee votes at a greater rate and that its failure to do so somehow denied the plaintiffs due process. They made these claims without disclosing that the federal judge in *Wood v. Raffensperger* had found that they had no merit.

Answer: Respondent is without knowledge of all evidence in support of Wood's claims, thereby precluding the necessity for any response.

Assertions regarding Haller and the undefined "co-counsel" and the circumstances of any asserted claims are so vague and undefined as to preclude the ability or necessity for any response.

Respondent is without sufficient knowledge to state that claims were made without any disclosure that the federal judge in *Wood v. Raffensperger* regarding such claims, thereby precluding any response to this assertion.

All claims in writing speak for themselves, thereby precluding the necessity for a response.

Allegation #60.

Respondent Haller and her co-counsel made other claims that they knew had no basis, including that the "massive fraud begins with the election software and hardware from Dominion ...only recently purchased and rushed into use by Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and the Georgia Board of Elections." They cited as proof a certificate from the Secretary of State awarded to Dominion Voting Systems and a test report that they said were "undated." The actual certificate was dated August 9, 2019, but the one attached to the complaint was not. Also, the test report was dated August 7, 2019. When the defendants notified the court of this fact, Respondent Haller and her co-counsel made no effort to correct the allegations in the complaint.

Answer: Assertions regarding Haller and the undefined co-counsel and the circumstances of any asserted claims are so vague as to preclude the necessity for a response.

Denied that specific claims of "massive fraud begins with the election software and hardware from Dominion ...only recently purchased and rushed into use by Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and the Georgia Board of Elections" had no basis.

Any certificate presented as proof speaks for itself, thereby precluding the need to respond.

Respondent is without sufficient information to respond to the assertion that "no effort" was made by Haller and the undefined co-counsel's "effort to correct the allegations in the complaint."

Allegation #61.

Respondent Haller and her co-counsel purported to quote from affidavits in other litigation, including the affidavit of Harri Hursti, but the statement they attributed to him did not appear in his affidavit. They also referred to a 2019 article about "Ballot-Marking Devices" that dealt with an older Dominion voting machine not used in Georgia (or Michigan), which they should have known, but did not disclose.

Answer: Assertions regarding Haller and the undefined co-counsel about undefined quotes from affidavits and appearing in affidavits, and undefined news articles, are so vague and undefined as to preclude any ability or obligation to respond.

Allegation #62.

Respondent Haller and her co-counsel sought relief in the District Court action that they knew had no basis in law and would, if granted, exceeded the court's authority. Among other things, Respondent Haller and her co-counsel asked the federal court to: (1) direct Georgia's Governor, Secretary of State, and the State Board of Electors to "de-certify" the election results; (2) enjoin the Governor from transmitting the results to the Electoral College (which he already had done five days before Respondent filed the complaint); (3) order the Governor to transmit certified results declaring Trump the winner; (4) impound all the voting machines and software in Georgia for inspection by the plaintiffs' experts; and (5) declare that "mail-in and absentee ballot fraud" occurred and must be "remedied with a Full Manual Recount."

Answer: Deny that any relief available in the District Court action had no basis in law or exceeded the court's authority.

Assertions regarding Haller and the undefined co-counsel's request of the federal court refer to documents that speak for themselves, thus no response is required.

Allegation #63.

On December 7, 2020, the District Court in Georgia held a hearing and, at its conclusion, dismissed the complaint. The court found that Respondent Haller and her co-counsel should have filed their election contests in the state courts, that the plaintiffs lacked standing, that they waited too long to bring their claims, and that a federal court could not grant the relief sought. "[T]he plaintiffs essentially ask the

Court for perhaps the most extraordinary relief ever sought in any Federal Court in connection with an election. They want this Court to substitute its judgment for that of two-and-a-half million Georgia voters who voted for Joe Biden, and this I am unwilling to do."

Answer: Admit that the District Court dismissed the Georgia complaint. The quotation from the District Court, and its findings, speak for themselves, thereby precluding the obligation by Respondent to answer.

Any statement not specifically admitted is denied.

Allegation #64.

On December 7, 2020, Respondent Haller's co-counsel filed an appeal with the United States Court of Appeals for the Eleventh Circuit. While that appeal was pending, Respondents Haller and Johnson with their co-counsel filed an emergency petition for an extraordinary writ of mandamus with the Supreme Court of the United States on December 11, 2020. In the petition, Respondents repeated their false claims that the Georgia defendants and others engaged in "massive, coordinated inter-state election fraud" that the defendants "knowingly enabled, permitted, facilitated, or even collaborated with third parties in practices resulting in hundreds of thousands of illegal, ineligible or fictitious votes being cast in the State of Georgia." They repeated their claims in the complaint, citing as support the reports of their same "experts." Respondents knew or should have known that their claims of fraud and other alleged misconduct repeated in their petition to the Supreme Court had no basis in fact and were false. Their request for relief, which

included ordering the defendants to de-certify the results of the general election for Biden (who had won) had no basis in law, which Respondents knew.

Answer: Admit an appeal of the District Court decision was filed in the United States Court of Appeals for the Eleventh Circuit.

Denied Respondent filed any pleadings or petitions in the Eleventh Circuit or made an appearance before that tribunal.

The phrases "with their co-counsel" and general reference to "Respondents" are so vague and lack such specificity that no response is necessary.

The reference to what constitutes a "false claim" is vague and non-specific precluding a response.

Denied that any "false claims" were repeated.

Denied that Respondent knew or should have known that their claims of fraud and other alleged misconduct repeated in their petition to the Supreme Court had no basis in fact and were false.

The submission to the US Supreme Court, the claims therein, and references to experts speak for themselves, thereby precluding any obligation to respond.

Denied that the request for relief had no basis in law or that Respondent knew that there was no basis in law.

The statement that "Biden (who had won)" is argumentative and reflective of an inappropriate political motive for the complaint, thereby not requiring any answer.

Respondent admits that no full adjudication or trial has taken place regarding the facts of the election to definitively confirm the winner of the 2020 election and therefore, Biden has generally been considered to have emerged from the election as the President of the United States.

Any other assertions not specifically admitted are denied.

Allegation #65.

In a subsequent notice and motion to consolidate filed with the Supreme Court, Respondents Haller and Johnson and their co-counsel claimed that the Georgian Republican slate of Presidential Electors, as well as the Republican slates in other states, all cast their votes for Trump and that "[t]hese Republican slates of electors have received the endorsement of the Republican-majority legislatures in each of these States, as reflected the decision for them to cast (or attempting to cast) their slate of electoral votes ...." In fact, none of the state legislatures in these states had endorsed the Republican slate-a fact Respondents knew.

Answer: Denied. Respondent Johnson did not sign, submit, or file any pleading or motion with the Supreme Court and did not make any claims therein. Admitted to the extent the quoted statements appeared in the motion, otherwise denied.

Allegation #66.

On January 11, 2021, the Supreme Court of the United States denied the motion for expedited consideration.

Answer: Admitted

Allegation #67.

On January 19, 2021, Respondents' co-counsel filed a stipulation of dismissal with the Supreme Court. On that same date, they filed a motion to voluntarily dismiss the appeal with the Eleventh Circuit.

Answer: Denied in that Respondent was not "co-counsel" but "of counsel" who had not made any appearance in that case. Respondent filed no pleadings in this case.

Admitted to the extent that a stipulation of dismissal was filed with the Supreme Court and on that same date, a motion was filed to voluntarily dismiss the appeal with the Eleventh Circuit.

Allegation #68.

Respondents' conduct violated the following Georgia and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney *(see* Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

a. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;
b. Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;
c. Ga. Rule 8.4(a) / D.C. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;
d. Ga. Rule 8.4(a)(l) / D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and
e. D.C. Rule 8.4(d), in that Respondents engaged in conduct that seriously interfered with the administration of justice.

Answer: Denied.

Allegation #69.

Following the November 3, 2020 election, the Trump Campaign filed recount petitions for all ballots and all wards in Dane and Milwaukee Counties, Wisconsin. The Wisconsin Elections Commission granted the petitions, and the county board of canvassers, following state-mandated procedures, completed the recounts on November 29, 2020, confirming that Biden had received the most votes.

Answer: Admit as to filing for a recount.

Admit as to the petitions being granted.

The assertions regarding the following of "state mandated procedures" is so vague and non-specific as to preclude the necessity for a response.

Respondent is without sufficient knowledge whether the board of canvassers followed the assertion of "state-mandated procedures" or what procedures were followed as to preclude the necessity for a response.

Admit that an assertion was made that recounts were completed on November 29, 2020.

Admit that an assertion was made that Biden had received "the most votes."

Unless specifically admitted, all other statements are denied.

Allegation #70.

The Wisconsin Election Commission also performed a post-election audit of voting machines which did not find any programming errors or any "identifiable

bugs, errors, or failures of the tabulation voting equipment …." The audit results were posted on line, and accessible by the public, by no later than November 30, 2020.

Answer: Admit the Wisconsin Election Commission asserted that it performed a post-election audit of voting machines.

Admit the Wisconsin Election Commission asserted that it did not find any programming errors or any "identifiable bugs, errors, or failures of the tabulation voting equipment …"

Admit that the Wisconsin Election Commission posted results of its efforts to audit on line accessible by the public on or later than November 30, 2020.

Any statement not specifically admitted is denied.

Allegation #71.

On November 30, 2020, after the 72 bipartisan county canvassing boards and commissions had certified the results for all the counties in Wisconsin, the Chair of the Wisconsin Elections Commission certified the results of the 2020 presidential election in Wisconsin, showing that Biden received 1.63 million votes, and Trump received 1.61 million votes. On that same day, Wisconsin Governor Tony Evers sent the results of the state's presidential race to the Archivist of the United States.

Answer: Admit that by November 30, 2020 72 bipartisan county canvassing boards and commissions submitted a purported certification of the election results for their counties.

Admit that thereafter, the Chair of the Wisconsin Elections Commission submitted documents reflecting results of the 2020 presidential election in Wisconsin as Biden having received 1.63 million votes to Trump's 1.61 million votes.

Admit that Wisconsin Governor Tony Evers thereafter sent documents reflecting the above result of Wisconsin's presidential election to the Archivist of the United States.

Unless specifically admitted, all other statements are denied.

Allegation #72.

Wisconsin state law governs the elections process and provides procedures for voters to raise issues about the actions of voting officials to the Wisconsin Elections Commission. State law requires that complaints be in writing and submitted before the filing of any court action. Respondents Haller and Johnson and their co-counsel did not use these state procedures to challenge the results in Wisconsin.

Answer: The reference to Wisconsin state law requires a legal conclusion and thus an answer is not required.

Admit that Wisconsin state law provides procedures to raise all legal claims that are cognizable under the law.

Admit that those desiring to raise election and other challenge issues may find procedures under the law to do so, but those procedures speak for themselves. Thus an answer is not required.

The assertion regarding complaints cites no specific state law, thus is so vague that no response is required.

The reference to not using the undefined "these state procedures" is so vague as to preclude the necessity of a response.

Respondent Johnson did not sign, file or submit any pleading in any court regarding an election challenge in 2020 in Wisconsin.

Reference to "their co-counsel" is so vague and non-specific as to not require a response.

Any assertion not admitted is denied.

Allegation #73.

Instead, on December 1, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court for the Eastern District of Wisconsin, seeking declaratory, emergency and permanent injunctive relief that included overturning the presidential election results in Wisconsin. *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.).

Answer: Denied in that Respondent Johnson neither filed a complaint nor sought relief.

Denied that Respondent was a ever a "co-counsel" but was at all times "of counsel."

The term "their co-counsel" is not sufficiently specific to permit a response.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding what it says.

Any assertion not specifically admitted is denied.

Allegation #74.

Respondents and their co-counsel filed their complaint on behalf of two plaintiffs: William Feehan, whom they described as a "registered Wisconsin voter and a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Wisconsin" and Derrick Van Orden, an unsuccessful Republican congressional candidate. On December 1, 2020, Van Orden publicly stated that his name had been included in the complaint without his permission. Respondents and their co-counsel then filed an amended complaint removing Van Orden as a plaintiff.

Answer:

Denied in that Respondent Johnson neither filed any complaint (original or amended) nor sought relief.

The term “their co-counsel” is not sufficiently specific to permit a response. Respondent Johnson was not “co-counsel” but “of-counsel.”

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Any assertion not specifically admitted is denied.

Allegation #75.

The amended complaint named as defendants the Wisconsin Elections Commission, all six members of the Commission, and Wisconsin Governor Evers. It included the same alleged violations of the U.S. Constitution that Respondents included in the lawsuits they had filed in Michigan and Georgia (and would file in Arizona) – *i.e.,* violations of the Elections and Electors Clauses, the Fourteenth Amendment's Equal Protection and Due Process clauses, and claims of "widespread ballot fraud" which were state law claims.

Answer: Denied in that Respondent Johnson neither filed any complaint (original or amended) nor sought relief in Wisconsin, Michigan or Georgia.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Any assertion not specifically admitted is denied.

Allegation #76.

Respondents' principal contention was that judicial intervention and the extraordinary relief they sought was warranted due to alleged "massive election fraud" that was "for the purpose of illegally and fraudulently manipulating the vote count to manufacture an election of Joe Biden as President of the United States ...." They claimed "[t]he multifaceted schemes and artifices implemented by Defendants and their collaborators to defraud resulted in the unlawful counting, or fabrication, of hundreds of thousands of illegal, duplicate or purely fictitious ballots in the State of Wisconsin.'"

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint.

Any assertion not specifically admitted is denied.

Allegation #77.

Respondents repeated their claims, almost verbatim from the other lawsuits, about an alleged international conspiracy to perpetrate election fraud "begin[ning] with the election software and hardware from Dominion Voting Systems Corporation ('Dominion') used by the Wisconsin Election Commission … ." According to Respondents' Amended Complaint, Dominion committed "computer fraud" and the "glitches" in its system had the "uniform effect of hurting Trump and helping Biden." Respondents had no factual basis for making these claims.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin, or any other generally referenced complaint (once identified) speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint.

Denied there was no factual basis for the claims made in the complaint/amended complaint.

Any assertion not specifically admitted is denied.

Allegation #78.

Respondents Haller and Johnson and their co-counsel also repeated allegations that they had included in the Michigan and Georgia lawsuits that they knew or should have known had no factual basis and that were false including that:

a. Dominion and Smartmatic were "founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation to whatever level was needed to make certain Venezuelan dictator Hugo Chavez never lost another election" based on the same anonymous, unsigned, and redacted affidavit from an alleged former member of Venezuela's presidential security that was used in the Michigan case;

b. that Dominion hardware and software "was compromised by rogue actors, including foreign interference by Iran and China" based (as in the Michigan case) on an affidavit from "Spider" who Respondents falsely characterized as a "former US Military Intelligence expert;" and

c. a description of various design flaws unique to Ballot Marking Devices, notwithstanding that Wisconsin records almost all votes either directly on hand-marked paper ballots or on touch screens that produce voter-verified paper ballots, subjects voting equipment to a legally required post-election audit, and uses BMDs only for a limited number of disabled voters in some of its counties.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims,

nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint.

Denied that Respondent "knew or should have known (that the complaint allegations) had no factual basis and (had allegations) that were false" including sub-allegations (a), (b) and (c).

Any assertion not specifically admitted is denied.

Allegation #79.

Respondents Haller and Johnson and their co-counsel made other allegations about Dominion hardware and software in Wisconsin that had no basis, which they knew or should have known. For example, Respondents claimed "an especially egregious range of conduct in Milwaukee County and the City of Milwaukee, along with Dane County, La Crosse County, Waukesha County, St. Croix County,

Washington County, Bayfield County, Ozaukee County and various other counties throughout Wisconsin employing Dominion Systems, though this conduct occurred throughout the State at the direction of Wisconsin state election officials." However, Milwaukee and Dane Counties did not use Dominion software or equipment, nor did La Crosse, Waukesha, St. Croix and Bayfield Counties. In fact, only 14.7% of voting jurisdictions in Wisconsin used Dominion. Of the six counties Respondents singled out in their amended complaint, the only two that used Dominion were Ozaukee and Washington. Trump won both of those counties - 54 to 44% in Ozaukee and 69.3 to 30.7% in Washington.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint.

Denied that Respondent "knew or should have known that other allegations had no basis, which they knew or should have known.

Any assertion not specifically admitted is denied.

Allegation #80.

Although the Wisconsin Elections Commission had approved Dominion in 2015 as one of three state-certified vendors, Respondents and their client never made any allegations of impropriety until after the 2020 results had been certified.

Answer: Admit to the extent of the nature and timing of the assertions.

Admit that documents purporting to certify the election results were made public.

Any assertions not specifically admitted are denied.

Allegation #81.

Respondents Haller and Johnson and their co-counsel falsely claimed that there were "several hundred thousand illegal, ineligible, duplicate, or purely fictitious votes" that they claimed "must be thrown out."

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint.

Denied that Respondent falsely claimed.

Any assertion not specifically admitted is denied.

Allegation #82.

Many of Respondents' "experts" were anonymous and did not express any knowledge of what transpired in Wisconsin. A number of the other "experts" were those who had provided similar, if not the same reports or declarations that Respondents used as support for their complaints in Michigan and Georgia (and the Arizona) including Braynard, Briggs, and Ramsland.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Any expert reports speak for themselves, precluding any need to provide an answer to any assertions regarding the experts or the verbiage of any reports.

Admit some experts submitted reports/testimony in support of claims in other states.

Any assertion not specifically admitted is denied.

Allegation #83.

Even after the errors in the data, analysis, and findings of these and Respondents' other "experts" were disclosed to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

Answer: Denied to the extent it is alleged that Respondent Johnson relied on any expert and that these were "Respondents' other 'experts.'"

Admitted to the extent that Respondent Johnson may have referred to expert testimony in the course of work related to drafting pleadings.

The reference to "errors in the data, analysis, and findings of these and Respondents' other "experts" is so vague and non-specific that no response is either possible or required.

The documents regarding citation of portions of reports in other proceedings speaks for itself and does not require a response.

Any assertion not specifically admitted is denied.

Allegation #84.

Respondents falsely claimed that "Dominion's Results for 2020 General Election Demonstrate Dominion Manipulated Election Results" and contended there were

"statistically impossible" vote counts in Milwaukee County and "surge[s]" in Dane County. However, Milwaukee and Dade counties did not use Dominion equipment and software – something that Respondents knew or should have known but did not disclose.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Denied regarding that the cited claims were false.

Denied regarding Dominion equipment that Respondents knew or should have known but did not disclose.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Any assertion not specifically admitted is denied.

Allegation #85.

Other claims that Respondents Haller and Johnson and their co-counsel included were misleading, which they knew or should have known. For example, they alleged that "[i]n addition to the Dominion computer fraud," there were "additional categories of 'traditional' voting fraud that occurred as a direct result of the Defendant Wisconsin Election Commission ('WEC') and other Defendants directing Wisconsin clerks and other officials to ignore or violate the express requirements of the Wisconsin

Election Code." Respondents then misrepresented the WEC guidance that was given to county and municipal clerks about "indefinitely confined" absentee voters, and challenged the guidance to WEC for clerks about missing address information on absentee envelope certificates had been issued in 2016 and followed in 11 statewide elections. Respondents failed to identify any vote that was cast in the Wisconsin election by an ineligible voter.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Denied Respondent made misleading claims.

Respondent is unable to respond to any assertions regarding “their co-counsel” or general aversions to “Respondents” as this term is not sufficiently specific to permit or require a response.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit the quoted language in this assertion matches verbiage in the complaint/amended complaint.

Denied that Respondent made false claims.

Denied that Respondent failed to identify any vote cast by a potentially ineligible voter.

Any assertion not specifically admitted is denied.

Allegation #86.

Respondents Haller and Johnson and their co-counsel asked the District Court to "set aside the results of the 2020 General Election" and enter an order: (1) directing Governor Evers and the Wisconsin Elections Commission to "de-certify the election results;" (2) enjoining Governor Evers from transmitting the currently certified election results to the Electoral College; (3) directing Governor Evers to transmit certified election results that Trump was the winner; (4) seizing and impounding all election equipment and materials; (5) directing that "no votes received or tabulated by machines that were not certified as required by federal law and state law be counted"; (6) declaring that the "failed system of signature verification" violates the Elections and Electors Clauses; (7) declaring that the "currently certified election results" violated Due Process; (8) declaring that mail- in and absentee ballot fraud occurred and must be remedied; and (9) permanently enjoining the Governor and the Secretary of State – the latter of whom was not a defendant and had no role in Wisconsin elections - from "transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering." Respondents knew or should have known that not only did

their claims have no factual or legal basis, but also their claims for relief were beyond the authority of the court to grant.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief

Admit the quoted language in this assertion matches verbiage in the complaint.

Admit that *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any complaint filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Denied that Respondent made falsely claims.

Denied Respondents knew or should have known that not only did their claims have no factual or legal basis, but also their claims for relief were beyond the authority of the court to grant.

Any assertion not specifically admitted is denied.

Allegation #87.

Respondents Haller and Johnson and their co-counsel initially sought an order for the "[i]mmediate production of 48 hours of security camera recordings of all rooms

used in the voting process at the TCF Center for November 3, 2020 and November 4, 2020" – notwithstanding that the TCF Center is in Detroit Michigan, not Wisconsin. The amended complaint changed this request to 48 hours of security camera recordings of all voting and central count facilities and processes in Milwaukee and Dane Counties. They did so even though a Trump-requested recount of "all ballots in all wards" in these two counties had been performed before they filed the complaint confirming Biden's victory – a fact they knew or should have known but failed to disclose to the District Court.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admit the quoted language in this assertion matches verbiage in documents submitted to the court.

Admit that materials were requested in *Feehan v. Wisconsin Elections Commission,* Case No. 2:20-cv-1771 (E.D. Wis.) was a complaint filed in the US District Court for ED Wisconsin.

Any requests filed in the US District Court for ED Wisconsin speaks for itself, precluding any need to provide an answer to any assertions regarding the verbiage of the complaint.

Admit that a limited request was made for camera recordings of all voting and central count facilities and processes in Milwaukee and Dane Counties.

Admit to the extent that some efforts had been made to request a recount without camera recordings prior to the filing of the complaint. Admit that no specific notice to the Court was provided about a prior recount.

Any assertion not specifically admitted is denied.

Allegation #88.

On December 9, 2020, after receiving motions to dismiss from the WEC and Governor Evers, other briefs by interested parties, and Respondents' responses, the federal court dismissed the action. The court stated what Respondents knew or should have known: "Federal judges do not appoint the president in this country." Yet, as the court found, "what [plaintiff] asks is for Donald J. Trump to be certified the winner *as a result of judicial fiat."*

Answer: Admitted to the extent motions to dismiss from the WEC and Governor Evers, other briefs by interested parties, and responses were filed with the court, which dismissed the action.

Admitted that Respondent knew that Presidents of the United States were not appointed by federal judges, but elected in fair and free elections free of irregularities.

The court's findings speak for themselves.

Any assertion not specifically admitted is denied.

Allegation #89.

The court found that Respondents' client had no standing as a voter and nominee, that there was no § 1983 jurisdiction over defendants, and that the defendants were protected by Eleventh Amendment immunity. The court agreed with the District Court in Michigan that the alleged harm of having one's vote invalidated and diluted "is not remedied by denying millions of others *their* right to vote."

Answer: The court's findings speak for themselves, as does the court's order, in which case no response is required.

Admitted only with respect to the quoted portions of the December 9, 2020 order.

Any assertion not specifically admitted is denied.

Allegation #90.

On December 10, 2020, Respondents' co-counsel filed a notice of appeal with the United States Court of Appeals for the Seventh Circuit. Five days later, on December 15, 2020, while the appeal was still pending with the Seventh Circuit, Respondents Haller and Johnson and their co-counsel filed an emergency petition for an extraordinary writ of mandamus with the Supreme Court of the United States. Respondents repeated their claims about "massive" election fraud and "an unprecedent[ed] multi-state conspiracy to steal the 2020 General Election," which Respondents knew had no basis and were false. Respondents referred to "unrebutted evidence that the fraud began with Dominion Voting Systems ('Dominion') and was implemented with knowledge and connivance of Respondents [the Wisconsin

Elections Commission, its member, and Governor Evers] and other Wisconsin state and local officials that enabled, facilitated and permitted election fraud and counting of illegal and fictitious ballots." Respondents further claimed that the Wisconsin officials they sued and "their collaborators" had implemented "multifaceted schemes and artifices ... to defraud [that] resulted in the unlawful counting, or manufacturing, of hundreds of thousands or illegal, ineligible, duplicate or purely fictitious ballots in the State of Wisconsin." Respondents also repeated their claim of "election fraud" and "ballot-stuffing" that were "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose." Respondents knew or should have known that their claims of fraud and other alleged misconduct had no basis in fact. Their request for relief- ordering the defendants to de-certify the results of the general election for Biden (who had won) or order them to certify the results in favor of Trump (who had lost) - was beyond the authority ofthe court to grant.

Answer: Admitted to the extent an appeal was filed with the US Court of Appeals for the Seventh Circuit and that a petition was filed in the US Supreme Court. Since the documents filed speak for themselves, no response is required regarding such documents.

Denied to the extent that Respondent Johnson did not file a notice of appeal with the Seventh Circuit or an emergency petition with the U.S. Supreme Court; Respondent did not make any claims in those filings; and Respondent did not know nor should he have known any falsity regarding the identified claims.

Denied that claims of election fraud and other election misconduct had no basis in fact or that Respondents knew or should have known there was no basis and were false.

The assertion that Biden "won" and Trump "lost" calls for a legal conclusion which does not require a response. The statement that "Biden (who had won)" is argumentative and reflective of an inappropriate political motive for the complaint, thereby not requiring any answer. Respondent admits that no full adjudication or trial has taken place regarding the facts of the election to definitively confirm the winner of the 2020 election and therefore, Biden has generally been considered to have emerged from the election as the President of the United States.

Deny that any requested relief was beyond the authority of a court to grant.

Any assertion not specifically admitted is denied.

Allegation #91.

The Supreme Court denied Respondents' petition on March 1, 2021.

Answer: Denied in that Respondent did not file the Supreme Court petition or enter an appearance before the Court.

Admitted that the Supreme Court denied a petition on March 1, 2021.

Allegation #92.

In the interim, the WEC and its members as well as Governor Evers moved to dismiss the appeal filed in the Seventh Circuit on January 25, 2021. Respondents'

co-counsel filed a notice of "concurrence" on January 26, 2021, and the Seventh Circuit dismissed the appeal on February 1, 2021.

Answer: Admitted as to motions to dismiss the appeal.

Denied to the extent that Respondent Johnson did not file a notice of concurrence on January 26, 2021.

Any assertion not specifically admitted is denied.

Allegation #93.

Respondents' conduct violated the following Wisconsin and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney ***(see*** Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

- Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;
- Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;
- Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;
- Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and
- D.C. Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to the administration of justice.

Answer: Denied. Respondent did not violate Wisconsin or DC Rules of Professional Conduct.

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Denied

Any assertion not specifically admitted is denied.

Allegation #94.

More than 3.4 million people voted in the November 3, 2020 general election in Arizona. Within days after the election, 10 of Arizona's 15 counties, including the two most populous counties (Maricopa and Pima) performed a hand count of sample ballots to test the tabulation equipment. In six of the counties, no discrepancies were found and the discrepancies found in the other four counties were "within the acceptable margin." The results of the hand counts were publicly available by no later than November 17, 2020.

Answer: Admitted as to number of voters cited for Arizona.

Admitted as to the fact of a hand court subsequent to the election in two counties.

Admit that results of the hand counts were publicized no later than November 17, 2020.

Any assertion not specifically admitted is denied.

Allegation #95.

Under Arizona law, the Secretary of State must, in the presence of the Governor, certify the statewide canvas on the fourth Monday after a general election, ***i.e.,***

November 30, 2020. The official canvasses for each of the 15 counties were received by no later than November 23, 2020. On November 30, 2020, as required by state law, then-Secretary of State Katie Hobbs, in the presence of then Governor Doug Ducey, certified the statewide canvas showing that Biden had won the presidential election having received 1,672,143 votes, with Trump receiving 1,661,686. On that same day, Governor Ducey signed the Certificate of Ascertainment for Biden's presidential electors that was transmitted to the U.S. Archivist.

Answer: Since Arizona law speaks for itself and to characterize Arizona law would be a legal conclusion, no response is required.

Admit that canvasses for each of the 15 counties were received by no later than November 23, 2020.

Admit that on November 30, 2020, then-Secretary of State Katie Hobbs, in the presence of then Governor Doug Ducey, represented that she certified the statewide canvas and reflected that Biden had won the presidential election, stating Biden received 1,672,143 votes, with Trump receiving 1,661,686.

Admitted that Governor Ducey signed a Certificate of Ascertainment and transmitted that certificate to the US Archivist.

Any statement not admitted is denied.

Allegation #96.

Arizona state law provides a procedure for contesting elections, which requires the person to bring the action either in the superior court of the county in which the person resides or in the Superior Court of Maricopa County (A.R.S. § 16- 672).

Answer: Arizona law speaks for itself, thus a response is not required.

Allegation #97.

Respondents Haller and Johnson and their co-counsel did not seek to challenge the election results in Arizona under the procedures established by the state.

Answer: Admitted Respondent Johnson did not challenge election results under Arizona law and made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The assertion that no challenge of election results was brought under Arizona procedures is vague as not specifying which procedures the subject of the assertion, therefore no response is required. To the extent Respondent can ascertain the intent of the assertion, the assertion is denied.

Allegation #98.

Instead, on December 2, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court for the District of Arizona, seeking declaratory, emergency and permanent injunctive relief, which included overturning the presidential election results in Arizona. *Bowyer v. Ducey,* Case No. 2:20-cv-02321-DJH (D. Ariz.)

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief in Federal court.

Allegation #99.

The complaint named as plaintiffs 11 registered voters and nominees of the Republican Party to be presidential electors, and three other registered voters who served as Chairs of the Republican Party in their counties. One of the named plaintiffs, Kelli Ward, had previously filed an action in the Superior Court of Maricopa County, raising a number of the same claims that Respondents included in their federal complaint.

Answer: The complaint in *Bowyer v. Ducey,* Case No. 2:20-cv-02321-DJH (D. Ariz.) speaks for itself, therefore no response is required.

Respondent can neither admit nor deny any assertion with regard to prior lawsuits by Kelli Ward as he is not aware of previous lawsuits filed by Kelli Ward.

Allegation #100.

Respondents sued Governor Ducey and Secretary of State Hobbs in their "official capacity." According to Respondents' complaint, these defendants "and their collaborators" implemented "multifaceted schemes and artifices" to defraud that "resulted in the unlawful counting, or fabrication, of hundreds of thousands of illegal, ineligible, duplicate or purely fictitious ballots in the State of Arizona …." There was no basis for these claims as Respondents knew or should have known.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief. Admitted that the complaint in *Bowyer v. Ducey,* Case No. 2:20-cv-02321-DJH (D. Ariz.) names Governor Ducey and Secretary of State Hobbs in their official capacities as defendants.

Admit the quoted statements appear in the Complaint.

Denied that there was no basis for these claims as Respondents knew or should have known (sic). Respondent Johnson did not make any claims.

Allegation #101.

The complaint included the parallel counts that Respondents had included in the lawsuits they filed in Michigan, Georgia, and Wisconsin – *i.e.,* alleged violations of the Elections and Electors Clauses, the Equal Protection Clause, the Due Process Clause, and a claim of "wide-spread ballot fraud" based on alleged violations of Arizona law.

Answer: The complaints speak for themselves, thus no response is required.

Denied in that Respondent Johnson did not file a complaint in Arizona, Georgia, Michigan or Wisconsin.

Allegation #102.

Respondents' principal contention was that judicial intervention and the extraordinary relief they sought was warranted due to alleged "massive election fraud" that was "for the purpose of illegally and fraudulently manipulating the vote count to

manufacture an election of Joe Biden as President of the United States" and that was "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose."

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint speaks for itself, and to that extent no response is required.

Admitted that the quoted language appears in the Complaint.

Unless specifically admitted, all assertions are denied.

Allegation #103.

Respondents repeated their claims, almost verbatim from the other lawsuits, including those about an alleged international conspiracy to perpetrate election fraud that began with the election software and hardware from Dominion. According to Respondents' complaint, there was a scheme to fraudulently manipulate the vote count for Biden and "down ballot democratic candidates" and the fraud was "executed by many means" including ballot-stuffing and that there was an "especially egregious range of conduct in Maricopa County and other Arizona counties using employing [sic] Dominion Systems, though this conduct occurred throughout the State at the direction of Arizona state election officials." Respondents had no factual basis for making these claims.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint(s) speak for themselves including any allegations in the complaints, such that no response is necessary.

Denied that there was no factual basis for the claims in the complaints.

Allegation #104.

Respondents Haller and Johnson and their co-counsel also repeated allegations they included in the lawsuits filed in Michigan, Georgia, and Wisconsin, that they knew or should have known had no factual basis and that were false including that:

a. Dominion and Smartmatic were "founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation to whatever level was needed to make certain Venezuelan dictator Hugo Chavez never lost another election" based on the same anonymous, unsigned, and redacted affidavit from an alleged member of Venezuela's presidential security;

b. Dominion hardware and software "was compromised by rogue actors, including foreign interference by Iran and China" based on an affidavit from "Spider" whom Respondents falsely characterized as a "former US Military Intelligence expert";

c. a description of various design flaws unique to Ballot Marking Devices used in Georgia, notwithstanding that Arizona records almost all votes either directly on hand-marked paper ballots, subjects voting equipment to a legally required post-election audit, and uses BMDs only for a limited number of disabled voters in some of its counties; and

d. Dominion was not certified pursuant to the EAC Voting Systems.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint(s) speak for themselves including any allegations in the complaints, such that no response is necessary.

Denied that there was no factual basis for the claims in the complaints and that they were false.

Allegation #105.

Respondents Haller and Johnson and their co-counsel made other baseless and false allegations against Dominion or unidentified "third parties." This included allegations (a) that approximately 78,000 to almost 95,000 absentee/mail ballots were "either lost or destroyed (consistent with allegations of Trump ballot destruction) and/or were replaced with blank ballots filled out by election workers, Dominion or other third parties;" and (b) that ballots process by Dominion were "report[ed] to SCYTL, which is offshore, and uses an algorithm, that is secretive, and applies a cleansing of invalid versus valid ballots, before the votes get tallied for distribution."

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint(s) speak for themselves including any allegations in the complaints, such that no response is necessary.

Denied that there was no factual basis for the claims in the complaints and that they were false and baseless.

Allegation #106.

Respondents Haller and Johnson and their co-counsel alleged that "expert witness testimony" demonstrated that there were hundreds of thousands of "illegal, ineligible, duplicate, or purely fictitious" votes in Arizona and those votes "must be thrown out."

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint(s) speak for themselves including any allegations in the complaints, such that no response is necessary.

The quoted statements and phrases appear in the Complaint.

Allegation #107.

A number of Respondents' alleged "experts" were anonymous and did not express any knowledge of what happened in Arizona.

Answer: Denied regarding “Respondents’ alleged “experts” and further denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The complaint(s) speak for themselves including any allegations in the complaints, such that no response is necessary.

Denied that “many” of the expert witnesses were anonymous.

Denied that experts did not express any knowledge of what happened in Arizona.

Allegation #108.

Respondents' "experts" who were identified were the same people who provided surveys, reports or opinions in Respondents' federal court actions in Michigan, Georgia, and Wisconsin as support for their claims of "massive voting fraud."

Answer: Denied regarding “Respondents’ alleged “experts” and further denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admitted to the extent that certain experts provided testimony in other state proceedings.

Any assertion not specifically admitted is denied.

Allegation #109.

Even after other parties disclosed the errors in the data, analysis, and findings of Respondents' "experts" to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

Answer: Denied to the extent it is alleged that Respondent Johnson relied on any expert and that these were “Respondents’ other ‘experts’”.

Admitted to the extent that Respondent Johnson may have cited expert testimony in the course of his work.

The assertion of "errors in the data, analysis, and findings" of these experts is without identification and therefore so vague as to preclude the necessity for any response.

Admitted to the extent experts such as Briggs, Ramsland and Teasley provided replies in response to Defendants' experts that supported their previous testimony and rebutted errors alleged by Defendants.

Any assertions that are not specifically admitted are denied.

Allegation #110.

Other claims that Respondents Haller and Johnson and their co-counsel included were misleading, which they knew or should have known. They alleged numerous violations of Arizona Election Law based on the statements of poll watchers and members of the Republican party that even if they had some factual basis, did not amount to fraud.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

The allegation that "other claims" and "numerous allegations" were misleading which Respondent knew or should known is so vague and undefined that a response is not possible, and therefore is not required.

Denied as to other undefined "numerous allegations" based on the statements of poll watchers and members of the Republican party.

Allegation #111.

Respondents Haller and Johnson and their co-counsel asked the District Court to (1)

direct the Governor and Secretary of State to "de-certify the election results"; (2) enjoin the Governor from transmitting the "currently certified election results" to the Electoral College (3) eliminate or not count the mail-in ballots; (4) disqualify the state electors or direct them to vote for Trump; (5) seize and impound all election equipment and materials, and produce 48 hours of security camera recordings for Maricopa County for November 3 and 4, 2020; (6) direct that "no votes received or tabulated by machines that were not certified as required by federal law and state law be counted;" (7) declare that the "failed system of signature verification" violates the Elections and Electors Clauses; (8) declare that the "currently certified election results" violated Due Process; and (9) declare that mail- in and absentee ballot fraud occurred and must be remedied with a full manual recount or statistically valid sampling. Respondents knew or should have known that not only did their claims have no factual or legal basis, but their prayers for relief were beyond the court's authority to grant.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief. The complaint speaks for itself and therefore does not require any response.

Denied that Respondents knew or should have known that not only did their claims have no factual or legal basis, but their prayers for relief were beyond the court's authority to grant.

Allegation #112.

The District Court held a hearing on December 8, 2020, at which Respondent Haller spoke on behalf of plaintiffs. During the argument, Respondent Haller claimed, among other things, that they learned of "actual fraud" in Arizona "based on the spikes in the election data feed on the night of November 3rd;" that Dominion sent information to Scytl that was transmitted to servers offshore that applied an algorithm that redistributed votes; that the votes of Arizona voters were broken down from 1 vote to decimal points; and that the difference of 10,000 votes in favor of Biden occurred after election night. These claims had no factual basis which Respondent Haller knew or should have known.

Answer: Admitted that the District Court held a hearing on December 8, 2020, at which Respondent Haller spoke on behalf of plaintiffs.

The record of Haller's claims speaks for itself, and therefore a response to the allegations is not required.

Respondent Johnson can neither affirm or deny what Haller knew or should have known regarding the claims.

Denied that the claims had no factual basis.

Any allegation that has not been admitted is denied.

Allegation #113.

Several days prior to the hearing, the Maricopa County Superior Court held an evidentiary hearing on Ward's claims alleging that Republican representatives had an insufficient opportunity to observe election officials, there was an overcounting of mail-in ballots because of inadequate signature comparisons, and there were errors in the ballot duplication process. The Superior Court rejected each claim finding that

the observation procedures for the November general election were the same as the August primary and any objection to them should have been raised when any alleged deficiency could have been cured. The court found that Maricopa County election officials followed the state's requirements for mail- in ballots and signature comparisons "faithfully," and forensic document examiners for each side found only a handful of signatures that were "inconclusive" and none showed signs of forgery or simulation. The court found that the sample ballots that were examined all had phone numbers that matched a phone number already on file for the voter. The evidence did not show that the voters' affidavits were fraudulent or showed that someone other than the voter signed them, and there was no evidence of an abuse of discretion on the part of the reviewer. The court also found that there was no evidence that the way the mail-in ballots were reviewed was designed to benefit a particular candidate or "that there was any misconduct, impropriety, or violation of Arizona law with respect to the review of mail-in ballots." An examination of the duplicate ballots showed that the process was 99.45% accurate. The court found no evidence that the inaccuracies were intentional or part of a fraudulent scheme, but rather mistakes that were small in number and that did not affect the outcome of the election. An en bane panel of the Arizona Supreme Court unanimously affirmed this decision on December 8, 2020.

Answer: The record of any evidentiary hearing by the Maricopa County Superior Court on Ward's claims speaks for itself, therefore no response is necessary.

The record of any findings by the Maricopa County Superior Court resulting from any evidentiary hearing speaks for itself, and therefore no response is necessary.

The record of any findings by an en banc panel of the Arizona Supreme Court speaks for itself, and therefore no response is necessary.

Allegation #114.

Despite the state court rulings, Respondents did not amend or modify any of their fraud claims based on the same allegations about signature verifications, ballot duplications, and poll observation – claims for which they had no evidence other than what was presented and found inadequate by the Superior Court.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief.

Admitted to the extent that the claims or allegations in this case based on the same allegations about signature verifications, ballot duplications, and poll observation were not withdrawn or amended.

Denied to the extent that no more evidence existed than was presented to the Superior Court. Admitted that no more evidence than was presented to the Superior Court was presented by Respondents.

Allegation #115.

On December 9, 2020, the District Court dismissed Respondents' lawsuit.

Answer: Denied to the extent that Respondent did not file the lawsuit and was associated therewith as "of counsel" not "co-counsel."

Admitted to the extent the District Court dismissed a lawsuit.

Allegation #116.

The District Court found that Respondents' clients had no standing as republican party officials, voters, or nominee electors (who performed only ministerial functions) to sue under the Elections and Electors Clauses. The court also found they lacked standing under the Equal Protection Clause, noting that none of them "(or any registered Arizona voter for that matter) were deprived of their right to vote" and their claims of disparate treatment were "baseless." The court also found that although plaintiffs brought some of their claims under federal law, their arguments and the statutes upon which they relied involved Arizona election law and the election procedures carried out by state officials. There was no jurisdiction over defendants under § 1983, and they were protected by Eleventh Amendment immunity. The court also found other grounds to dismiss plaintiffs' claims, including laches and mootness.

Answer: The findings of the District Court speak for themselves, and do not require a response.

Admitted that the District Court found several grounds to dismiss the complaint.

Any allegation not admitted is denied.

Allegation #117.

The District Court found that Respondents' claims that Arizona's Secretary of State conspired with various domestic and international actors to manipulate Arizona's presidential election to allow Biden to win "fail[ed] in their particularity

and plausibility." The court found that the hundreds of pages of attachments to the complaint was impressive only because of their volume, and that the "various affidavits and expert reports are largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections." The four declarants of poll watchers, the only ones who had first-hand observations, "do not allege fraud at all" and "fail to present evidence that supports the underlying fraud claim."

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended) or seek relief. The District Court's findings speak for themselves, and therefore are not subject to response.

Allegation #118.

The court found that Respondents' "expert witnesses" failed to identify the defendants as committing any fraud or explain how they participated in the alleged fraud; that their "innuendos" failed to meet the standards of Federal Rule of Civil Procedure 9(b) for allegations of fraud; and their reports reached "implausible conclusions, often because they are derived from wholly unreliable sources."

Answer: The District Court's findings speak for themselves and therefore are not subject to response.

Allegation #119.

The court stated that "[b]y any measure, the relief Plaintiffs seek is extraordinary. If granted, millions of Arizonans who exercised their individual right to vote in the 2020 General Election would be utterly disenfranchised."

Answer: The District Court's statements speak for themselves and therefore are not subject to response.

Admitted that the words within quotations appear to be repeated from the court's Dec. 9, 2020 order.

Any allegation not admitted are denied.

Allegation #120.

On December 10, 2020, Respondents' co-counsel filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit.

Answer: Denied to the extent that Respondent did not file a notice of appeal to the Ninth Circuit, as he was associated therewith only as "of counsel" not "co-counsel."

Admitted to the extent a notice of appeal was filed.

Allegation #121.

While the appeal was pending, Respondents Haller and Johnson and their co-counsel filed an emergency petition with the Supreme Court of the United States for an extraordinary writ of mandamus. In the petition, Respondents repeated their claims about "massive" election fraud and "an unprecedented multi-state conspiracy to steal the 2020 General Election," which Respondents knew had no basis and were false. Respondents claimed there was "rampant lawlessness witnessed in Arizona" which was part of "a larger pattern of illegal conduct" that included "ballot-stuffing" that was "amplified and rendered virtually invisible by

computer software created and run by domestic and foreign actors for that very purpose." Respondents repeated their false and baseless allegations about Dominion, including that it was accessed by agents acting on behalf of China and Iran, and that it used algorithms that allocated votes to Biden. Respondents and their co-counsel asked the Supreme Court of the United States to issue an order that, among other things, directed the Arizona officials they sued to de-certify the election results in Arizona or declare the certified election results in Biden's favor are unconstitutional. Respondents knew or should have known that the allegations they made had no basis in law or fact, and the reliefthey sought was unauthorized by law.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended), petition or otherwise seek relief, including that Respondent Johnson did not make any filing in the Supreme Court or make any claims.

Denied Respondents knew the claims to the Supreme Court had no basis and were false.

Respondent's claims speak for themselves and therefore do not require any further response.

Denied that Respondents repeated false and baseless allegations about Dominion, including that it was accessed by agents acting on behalf of China and Iran, and that it used algorithms that allocated votes to Biden.

Respondents' request to the Supreme Court speaks for itself and therefore does not require a response.

Denied that Respondents knew or should have known that the allegations they made had no basis in law or fact, and the reliefthey sought was unauthorized by law.

Allegation #122.

The Supreme Court of the United States denied Respondents' petition on March 1, 2021.

Answer: Denied to the extent that Respondent did not file any petition before the Supreme Court and it was not "Respondents' petition."

Admitted to the extent a petition was denied by the Supreme Court.

Allegation #123.

On or around March 26, 2021, Respondents' co-counsel agreed to voluntarily dismiss their appeal to the Ninth Circuit.

Answer: Denied to the extent that Respondent did not file a notice of appeal to the Ninth Circuit, he was never "co-counsel".

Admitted to the extent a notice of appeal was filed.

Admitted that on or around March 26, 2021, the appeal to the Ninth Circuit was voluntarily dismissed.

Any allegation not specifically admitted is denied.

Allegation #124.

Respondents' conduct violated the following Arizona and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney *(see* Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court ofthe United States):

- Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;
- Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;
- Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;
- Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and
- Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to or seriously interfered with the administration of justice.

Answer: Denied.

Respondent did not violate Arizona or DC Rules of Professional Conduct.

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Denied

Allegation #125.

On December 27, 2020, after the elected, qualified, and certified Presidential electors for Arizona and every other state and the District of Columbia had convened and cast their ballots for president and vice president, Respondents Haller and Johnson and their co-counsel filed another federal lawsuit against then-Vice President Michael Pence in the United States District Court for the Eastern District of Texas.

Answer: Denied in that Respondent Johnson made no factual allegations or legal claims, nor did he file any complaint (original or amended), petition or otherwise seek relief in a federal lawsuit in Texas.

Admitted that electors claiming to be duly elected, qualified, and certified Presidential electors for Arizona and every other state and the District of Columbia convened and cast their ballots for president and vice president.

Admitted that on December 27, 2020, a federal lawsuit was filed in the United States District Court for the Eastern District of Texas involving the Vice President of the United States.

Any assertion not admitted is denied.

Allegation #126.

Respondents and their co-counsel named as plaintiffs Republican Congressman Louis Gohmert from Texas, and the Republican slate of electors in Arizona – the same Republican slate of electors who were included as plaintiffs in the federal court action filed in Arizona discussed above.

Answer: Denied in that Respondent Johnson did not file a federal lawsuit in Texas or name any Plaintiffs to that lawsuit.

Admitted that a slate of electors in Arizona who were included as plaintiffs in the federal court action filed in Arizona discussed above, were plaintiffs in the Texas lawsuit.

Any assertion not admitted is denied.

Allegation #127.

In their complaint, Respondents claimed that that the Republican slate of electors in Arizona who they referred to as "[t]he Arizona Electors," had convened in the Arizona State Capitol with the knowledge and permission of the Republican-majority Arizona Legislature and, pursuant to the requirements of applicable state laws and the Electoral Count Act, had cast their votes for Trump. Respondents made the same allegation with respect to the Republican electors in Georgia, Pennsylvania, and Wisconsin and claimed that the Michigan Republican electors met on the grounds of the State Capitol, not in the Capitol.

Answer: Denied in that Respondent Johnson did not make any claims or allegations in Texas as he did not sign, file or submit a Texas Complaint.

The Texas complaint speaks for itself and therefore a response is not required.

Any allegation not admitted is denied.

Allegation #128.

Respondents knew that their claims about a "competing slate" of electors in Arizona (as well as the slates in other "Contested States") had no factual basis and was false.

Answer: Denied as Respondent Johnson did not make any claims or allegations in Texas because he did not sign, file or submit the Texas Complaint, and did not know or have reason to believe that the allegations in the Complaint had no factual basis or were false.

Denied as to Respondents' knowledge that their claims had no factual basis and was false.

Any allegation not admitted is denied.

Allegation #129.

The state legislature in Arizona had not permitted, authorized, or endorsed the Republican slate of electors as competing or alternative electors for the state.

Answer: Admitted that the state legislature in Arizona did not affirmatively permit, authorize, or endorse the Republican slate of electors as competing or alternative electors for the state.

Any assertion not admitted is denied.

Allegation #130.

Nor had any of the state legislatures in any of the other "Contested States" permitted, authorized, or endorsed the Republican slate of electors as competing or alternative electors for their states.

Answer: Admitted that no state legislature in any other state affirmatively permitted, authorized, or endorsed a Republican slate of electors as competing or alternative electors.

Any assertion not admitted is denied.

Allegation #131.

Respondents referred to and attached as an exhibit to the complaint a document entitled "A Joint Resolution of the 54th Legislature, State of Arizona …." Respondents stated:

"On December 14, 2020, members of the Arizona Legislature passed a Joint Resolution in which they: (1) found that the 2020 General Election "was marred by irregularities so significant as to render it highly doubtful whether the certified result accurately represents the will of the voters;" (2) invoked the Arizona Legislature's authority under the Electors Clause and 5 U.S.C. § 2 to declare the 2020 General Election a failed election and to directly appoint Arizona's electors; (3) resolved that the Plaintiff Arizona Electors' "11 electoral votes be accepted for ... Donald J. Trump or to have all electoral votes nullified completely until a full forensic audit can be conducted;" and (4) further resolved "that the United States Congress is not to consider a slate of electors from the State of Arizona until the Legislature deems the election to be final and all irregularities resolved."

Answer: Admitted that the complaint in Texas referred to and attached as an exhibit to the complaint a document entitled "A Joint Resolution of the 54th Legislature, State of Arizona . . . .".

The statement in regard thereto speaks for itself, and therefore no response is required.

Any assertion not admitted is denied.

Allegation #132.

Respondents' claims about the "Joint Resolution" had no basis in fact and were false, as Respondents knew. The document that Respondents referred to in the Complainant and attached as an exhibit was a five-page document (although Respondents included only the first four pages) signed by just 22 members of the Republican state legislators - 17 of the 60 members of the Arizona House, and five of the 30 members of the Arizona Senate (with eight "Members-Elect," who were not part of the Arizona legislature at the time, concurring).

Answer: Denied. Respondent Johnson did not make any claims in the Texas lawsuit.

Admitted to the extent that this paragraph appears to accurately describe the Joint Resolution attached to the Texas Complaint.

Any assertion not admitted is denied.

Allegation #133.

The Arizona Legislature had not "passed" the "Joint Resolution." The Arizona Legislature is deemed to act only upon the vote of a "majority of all members elected to each house." And the bicameral majority vote is necessary to "pass" any bill or joint resolution, which is then presented to the Governor for his approval or disapproval. None of these things happened, which Respondents knew.

Answer: The assertion about the “Joint Resolution” not being “passed” is unclear and therefore not subject to a response.

The assertion that the Arizona Legislature is deemed to act only upon the vote of a "majority of all members elected to each house" requires a legal conclusion and therefore is not subject to a response.

The assertion that the bicameral majority vote is necessary to "pass" any bill or joint resolution, which is then presented to the Governor for his approval or disapproval is either a statement of the law which speaks for itself or requires a legal conclusion. Under either circumstance, no response is required.

The term “these things” is vague and unclear, and therefore is not subject to a response.

Admitted that Respondents knew what the actions of the Arizona Legislature regarding alternative electors.

Any assertion not admitted is denied.

Allegation #134.

On December 4, 2020, weeks before Respondents filed their action, Arizona House Speaker Rusty Bowers, a Republican, issued a news release stating that people representing Trump came to Arizona and made what he described as a "breathtaking request" - "that the Arizona Legislature overturn the certified results of last month's election and deliver the state's electoral college votes to President Trump." Bowers stated that the "rule of law forbids us to do that." Bowers went on to state that Arizona Legislature can act only when it is in session, and it could be called into a special session only with the support of a bipartisan supermajority of its members, which had not happened. But even if it had, Bowers explained that the Legislature could not deliver the state's electoral votes to Trump because, under Arizona law, the state's electors are required to cast their votes for the candidates who receive the most votes in the official statewide election canvass.

Answer: The Bowers’ news release speaks for itself without the need or necessity of a response.

Allegation #135.

In other pleadings, Respondents referred to the Republican slate as the Arizona Electors, and falsely claimed they were "duly qualified." Respondents knew that

the Arizona legislature had never qualified or authorized another slate of electors, but they never corrected their claims or withdrew the exhibit that consisted of the Joint Resolution, which they knew had not even been presented to, much less passed by the Arizona legislature.

Answer: Denied in that Respondent Johnson did not sign, submit or file any pleading; did not make any claims; and did not make any references in any pleading.

The assertion's vague reference to "other pleadings" is vague, precluding the ability to respond. Therefore no response is required or possible.

Admitted that the Arizona legislature had never taken steps to formally qualify or authorize a second set of electors and that this was publicly known, including being known by Respondents.

Admitted that Respondents did not supplement their claims with the publicly known information that the Arizona legislature had never taken steps to formally qualify or authorize a second set of electors.

The assertion regarding "correcting" the claims or withdrawing the exhibit is not susceptible to a response as it assumes as correct the false assertion that the claims needed to be corrected or the exhibit needed to be withdrawn. With this clarification, the assertion is denied that claims were "never corrected" or an exhibit was never withdrawn as the claims did not need to be "corrected" and the exhibit did not need to be withdrawn.

Admitted that Respondents knew that the Arizona legislature had not been formally presented with a second set of electors and that the Arizona legislature had taken no action to “pass” any joint resolution in association therewith.

Any assertion that is not Admitted is denied.

Allegation #136.

Based on the "competing slates" of electors, Respondents asked the District Court in Texas to declare the Electoral Count Act unconstitutional and further declare that Pence had "exclusive authority and sole discretion" to determine which electoral votes should count.

Answer: Denied in that Respondent Johnson did not sign, submit or file any pleading; did not make any claims; and did not make any references in any pleading.

The pleading in the District Court to which this assertion refers and tries to characterize speaks for itself and therefore does not require a response.

Any assertion that is not Admitted is denied.

Allegation #137.

On January 1, 2021, the district court in Texas dismissed Respondents' lawsuit because the plaintiffs lacked standing.

Answer: Denied to the extent that the lawsuit that was dismissed was the plaintiff’s lawsuit, not “Respondents’.”

To the extent that the lawsuit was dismissed, the assertion is Admitted.

Any assertion that is not Admitted is denied.

Allegation #138.

That same day, Respondents and their co-counsel filed a notice of appeal with the United States Court of Appeals for the Fifth Circuit.

Answer: Denied in that Respondent Johnson did not sign, submit or file any pleading; did not make any claims; and did not make any references in any pleading in the United States Court of Appeals for Fifth Circuit.

To the extent the assertion refers to "co-counsel" the assertion is vague and a response is not required. Denied that Respondent Johnson was "co-counsel."

Admitted to the extent that the notice of appeal was filed on this date.

Any assertion that is not Admitted is denied.

Allegation #139.

On January 2, 2021, the Fifth Circuit affirmed the judgment of the district court and denied Respondents' motion for an expedited appeal as moot.

Answer: Denied in that Respondent Johnson did not sign, submit or file any pleading; did not make any claims; and did not make any references in any pleading in the United States Court of Appeals for Fifth Circuit.

Admitted to the extent the Fifth Circuit issued an opinion that affirmed the district court's judgment.

Allegation #140.

On January 6, 2021, Respondents' co-counsel filed with the Supreme Court of the United States an emergency application for a stay and interim relief pending the resolution of their petition for a writ of certiorari (which they had not filed). In their pleading to the Supreme Court, Respondents' co-counsel repeated their false claims that there were "competing slates of Republican and Democratic electors" not only in Arizona, but in Georgia, Michigan, Pennsylvania, and Wisconsin. Respondents' co-counsel attached to their application to the Supreme Court the "Joint Resolution" which falsely purported to be of the 54th Legislature of the State of Arizona.

Answer: Admitted that on January 6, 2021an emergency application for a stay and interim relief pending the resolution of a petition for an as yet unfiled writ of certiorari was filed with the Supreme Court of the United States.

Denied with respect to the assertion that the Joint Resolution was purported to be of the 54th Legislature of the State of Arizona.

The term “falsely purported” is vague and non-specific, and thus not answered.

Denied that the claims of "competing” slates of Republican and Democratic electors" not only in Arizona, but in Georgia, Michigan, Pennsylvania, and Wisconsin were “false.”

To the extent the assertion refers to "co-counsel" the assertion is vague and a response is not required. Denied that Respondent was "co-counsel."

Any claim that is not admitted is denied.

Allegation #141.

On January 7, 2021, the Supreme Court denied the emergency application.

Answer: Admitted

Allegation #142.

Respondents' conduct violated the following Texas and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney *(see* Rule 46(c) of the Federal Rues of Appellate Procedure):

- Texas Rule 3.01 / D.C. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;
- Texas Rule 3.03/ Rule 3.3, in that Respondents made false statements of material fact and/or failed to correct false statements of material facts to a tribunal;
- Texas Rule 8.04(a)(l) *I* D.C. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;
- Texas Rule 8.04(a)(3) *I* D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and
- D.C. Rule 8.4(d), in that Respondents engaged in conduct that seriously interfered with the administration of justice.

Answer: Denied. Respondent did not violate Texas or DC Rules of Professional Conduct.

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Denied

AFFIRMATIVE DEFENSES

First Defense
The Specification of charges do not allege facts particular to respondent to provide any support for the claim of a violation of rule 3.1

The filing of an action is not frivolous merely because the facts have not first been fully proven or because the lawyer must develop vital evidence only by discovery. Moreover such an action is not frivolous even though the lawyer believes that the client's position ultimately may not prevail.

The Specification of Charges fails to recite facts that show the claims involved were frivolous. Further, the Specification of Charges ignores the facts that Respondent Johnson lacked the authority and/or capacity to file the lawsuit or to make any legal claims or factual allegations. In fact, no facts are offered to support the charges or make the requisite showing of authority and capacity much less participation before a tribunal. Respondent, as an "of counsel" was provided a reasonable factual basis supporting the litigation allegations. Respondent Johnson reasonably relied on his supervising attorneys, documents provided by plaintiffs, sworn testimony of witnesses and experts, and other documentary evidence in executing the tasks he was assigned to perform. These facts are not controverted by any facts offered in the Specification of Charges.

Of further importance, none of the litigation cases were decided on the merits, no

substantive discovery was had and there were no evidentiary hearings conduced in any of the cases. Instead, the cases were handled with a mélange of standing, mootness, laches, and jurisdiction. This means that development of the facts was not given the chance offered litigants under the law.

Charges are not sustainable in the absence of facts contradicting the factual basis offered in the record and in the absence of the opportunity for a reasonable investigation, especially in the context of time constraints in election contests at odds with the normal rights of litigants to proceed with reasonable facts consistent with Rule 11 analysis. The litigation claims thus cannot be termed as false and frivolous where the basic case claims were well supported in the pleadings and nothing was developed in the course of litigation to show otherwise.

Second Defense
No Violation of Rule 3.1 May Lie When The Respondent Was Merely "Of Counsel" who Performed Discreet Tasks, Was Not A Deciding Attorney and Never Entered An Appearance Before A Tribunal

No facts were alleged in the Specification of Charges that Contravene the fact that Respondent Johnson lacked the authority and/or capacity to file the lawsuit or to make any legal claims or factual allegations but was working on a task basis as directed and as supervised as an "of counsel" attorney. Respondent Johnson reasonably relied on information provided from and by his supervising attorneys, the plaintiffs, sworn testimony of witnesses and experts, and other documentary evidence in assisting co-counsel in this proceeding. The Specification of Charges show nothing to the contrary, and therefore must be dismissed.

Third Defense
The Specification of Charges Do Not Allege Facts to Support A Violation of Rule 3.3 and Must Be Dismissed

The Specification of Charges fail to allege facts required under Rule 3.3 that contravene Respondent Johnson's 1) lack of authority and/or incapacity to make purportedly false

statements of fact to the District Court, Fifth Circuit and Supreme Court, and 2) lack of authority to withdraw or correct any claims before courts in litigation.

Under Comment 8 to Rule 3.3, counsel are entitled to rely on the representations of the client, without having to resolve questions about the client's or witnesses' credibility against the client or witnesses. This is especially true with an "of counsel" attorney who is performing delegated tasks with no authority.

Further, the Specification of Charges fail to support any allegations about Respondent's state of mind other assumptions and unsupported conjectures. "Knowing Falsity" is unsupported by alleged actual or constructive knowledge much less factual allegations particular to Respondent.

In the absence of facts to support necessary elements of a Rule 3.3 violation, the charges must be dismissed.

Fourth Defense
The Specification of Charges Do Not Allege Facts to Support A Violation of Rule 8.4

The Specification of Charges do not identify any act or statement attributable to Respondent that would constitute knowing assistance or inducement for any other person to have violated Rule 8.4.

No Violation 8.4(c) involving dishonesty may lie in the absence of facts offered to support this charge. ODC alleges that the Arizona, Georgia, Michigan, and Wisconsin complaints had no factual support, but fails to acknowledges the voluminous supporting evidence provided—other to allege without evidence or specifics—that any of it was false or that any witnesses were lying, much less that Respondent knew of any such thing, or that any legal arguments were knowingly false or frivolous.

Also, no Violation of DC Rule 8.4(d) may lie where the attorney lacked the authority and/or capacity to file any pleading, or make any claim or factual allegation, or make any other statement to any tribunal. ODC's charges have not identified any action or statement by Respondent Johnson that was made to a tribunal, much less any that could have been prejudicial to or interfered with the administration of justice or that would take the task oriented work into the area of knowing dishonesty.

Fifth Defense
The Charges Discriminate Against Respondent's Political Affiliations and Beliefs and Thus Violate the D.C. Human Rights Act

Respondent is being discriminated against in violation of D.C. Human Rights Act, § 2-1401.01, on account of his political affiliation and beliefs.

Sixth Defense
No Respondent Testimony Can Be Compelled in Violation of Attorney-Client Privilege

Respondent cannot be forced to testify in violation of attorney-client privilege which puts Respondent at a procedural disadvantage violative of his due process rights.

Seventh Defense
Testimony in Violation of Applicable Privileges Would Violate the Confrontation Clause

Receiving the testimony against Respondent into evidence in this proceeding that violates any attorney-client privilege would violate the Confrontation Clause (U.S. Const., amend. VI) because Respondent, observing the applicable privilege, cannot counter and thus confront the testimony given against him without violating one or more of the privileges, creating a procedural violation of his Constitutional protections.

Eighth Defense

Finding a Violation Based on the Charges Would Violate the First Amendment's Protections for Speech, Associations, and Political Affiliation

The D.C. Bar lacks jurisdiction over Respondent's conduct which is the subject of the Specification of Charges because the First Amendment provides absolute protection for his political speech and legal opinion given in good faith on matters involving Constitutional privileges. Respondent also cannot be penalized for his political affiliations, associations, or speech.

Ninth Defense
Failure to State a Rules Violation

The Charges fail to state a violation of the Rules of Professional Conduct.

Tenth Defense
Lack of Due Process Fair Notice

Respondent lacks fair notice that the conduct alleged in the Charges constituted a violation of the D.C. Bar Rules. The only cases extant in like circumstances dictate a contrary result. Respondent had no notice nor could he have rationally been expected to see that the local ethics rules would have been violated by his actions. As such, these Charges violate due process.

Eleventh Defense
No Violation of Rule 8.4 (c) When Superior Lawyers Made All Discretionary Decisions

Respondent cannot have engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) as to tasks that he was given by superior, supervisory lawyers in his role as an "of Counsel" attorney.

Twelfth Defense
No Violation of Rule 8.4 (d) Where Respondent's Conduct Was Not Improper, Wrongful, or Otherwise Invalid

The Charges fail to state a violation of the Rule 8.4(d) of the Rules of Professional Conduct because no conduct was alleged particular to Respondent which improper, independently wrongful, or otherwise unlawful.

Thirteenth Defense
No Rule of Professional Conduct Was Violated and Especially None Was Violated with Scienter

Respondent denies that he has violated any Rule of Professional Conduct as alleged in the Charges and the Charges do not aver (or sufficiently aver) that Respondent harbored any scienter to act in a dishonest fashion for self-gain or to achieve an illicit objective for former President Trump.

Fourteenth Defense
ODC's Prosecution Is Political in Nature

The Charges should be dismissed because they are brought for political reasons rather than any concern for enforcement of the Rules of Professional Responsibility.

Fifteenth Defense
Violation of Equal Protection

The Office of Disciplinary Counsel wields its disciplinary authority here in a politically biased manner, prosecuting Republicans and supporters of former President Trump with excessive and improper zeal, while turning a blind eye to or only belatedly and grudgingly stirring itself to administer reluctant slaps on the wrist for egregiously dishonest or felonious conduct by Democrats and opponents of President Trump. This selective prosecution/disparate treatment of alleged violations of the Rules of Professional Conduct violates the equal protection component of the Fifth Amendment of the United States Constitution.

Sixteenth Defense

Selective Prosecution In Violation Of the Constitution of The United States and D.C. Rules of Professional Conduct 3.8 (a)

The Charges constitute a selective prosecution that violates equal protection, due process, and D.C. Rule of Professional Conduct 3.8(a). Many Democrat members of Congress and Democrat lawyers have questioned electoral victories by Republican Presidents Elect and none of them appear to have ever faced ethics charges as a result.

Seventeenth Defense

The Specification of Charges Fail to Allege Facts that support the claim that the Alternative Electors were Illegal

The Specification of Charges is totally devoid of facts that support the underlying claims to the violation of the disciplinary rules dependent on the alternative slates of electors being illegal or contrary to law.

Eighteenth Defense

The Specification of Charges Fail to Assert A Proper Choice of Law

The Specification of Charges cites many standards of applicable law in contravention of Rule 8. This merits a dismissal of the Specification of Charges.

Nineteenth Defense

The Hearing Procedures Violate Respondent's Due Process Rights

The disciplinary hearing procedures deny due process in granting a non-lawyer the power to make findings of fact and conclusions of law without any opportunity for Respondent to examine their qualifications. As such this renders the Hearing Committee Procedures invalid and Illegal.

Twentieth Defense
The Hearing Procedures Violate Respondent's Due Process Rights

Disciplinary hearing procedure denies Respondent due process in that is illegally constituted contrary to statutory requirements. The underlying statutory requirement is that an attorney regulate the conduct of the Bar. Referral of functions such as findings of fact and conclusions of law to a non-attorney violates the statutory underpinnings of the regulation of the Bar.

Twenty-First Defense
Preemption

Federal law prohibits sanctioning or disadvantaging a person without prior actual notice of an applicable requirement flowing from the federal rules.

Dated: March 8, 2024

Respectfully submitted,.

/s/ Christopher A. Byrne

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CERTIFICATE OF SERVICE

I certify that, on March 8, 2024, I caused to be delivered to the below-named parties the foregoing via email.

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Respectfully,

/s/ Christopher A. Byrne

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