

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., DOMINION VOTING
SYSTEMS, INC., and DOMINION VOTING
SYSTEMS CORPORATION,

Plaintiffs/Counter-Defendants,

vs.

MY PILLOW, INC., *Defendant/Counter-Claimant.*

MICHAEL J. LINDELL, *Defendant/Counter-
Claimant/Third-Party Plaintiff,*

vs.

SMARTMATIC USA CORP., SMARTMATIC
INTERNATIONAL HOLDING B.V., SGO
CORPORATION LIMITED, and HAMILTON
PLACE STRATEGIES, LLC,

Third-Party Defendants.

Case No. 21-cv-445-CJN

SMARTMATIC DEFENDANTS' MOTION FOR RULE 11 SANCTIONS

Defendants SGO Corporation Limited, Smartmatic International Holding B.V., and Smartmatic USA Corp. (collectively, "Smartmatic"), by their attorneys, hereby move this Court pursuant to Fed. R. Civ. P. 11 for sanctions against Plaintiff Michael J. Lindell and his counsel, as a result of Mr. Lindell's refusal to dismiss Smartmatic as a defendant from his Third-Party Complaint ("Complaint"), filed December 1, 2021. Smartmatic further requests that this Court: (a) award Smartmatic the costs and reasonable attorney's fees it has incurred defending itself and moving for sanctions; (b) disgorge the fees Mr. Lindell's counsel has earned by prosecuting this bad faith, frivolous action and make them payable to the Court; and (c) impose any additional sanctions the Court deems appropriate. In support of this motion, Smartmatic states as follows.

1. Mr. Lindell and his counsel have flagrantly violated three provisions of Rule 11(b).

2. First, Mr. Lindell predicates his claims on allegations that: lack factual support; are implausible; have been disproven by credible, publicly available evidence; and have been rejected by other federal district courts. Any minimal inquiry into Mr. Lindell's allegations would have demonstrated that they lack evidentiary support and cannot possibly be proven in violation of Fed. R. Civ. P. 11(b)(3).

3. Second, the Complaint alleges claims against Smartmatic for participating in a civil conspiracy and for violating the Racketeer Influenced and Corrupt Organization Act ("RICO") and the First, Fifth, and Fourteenth Amendments under 42 U.S.C. §§ 1983, 1985(3). Minimal research shows that none of these claims has any colorable basis in the law. They all violate Fed. R. Civ. P. 11(b)(2).

4. Third, both in the Complaint and in his out-of-court statements, Mr. Lindell has admitted that he filed this suit to amplify his political views. These admissions and the surrounding circumstances establish that he filed this lawsuit for an improper purpose in violation of Fed. R. Civ. P. 11(b)(1).

5. Sanctions are the only proper response for the mockery Mr. Lindell and his counsel have made of Rule 11. Consistent with the precedent of this Circuit, appropriate sanctions should include: (a) an award of the fees and costs Smartmatic expended defending itself and bringing this motion; (b) disgorgement of the funds Mr. Lindell's counsel has earned prosecuting this case and payment of those funds to the Court; and (c) such other relief the Court deems is just and proper.

6. In compliance with Rule 11(c)(2), Smartmatic's counsel served this motion and supporting memorandum upon Mr. Lindell's counsel via email and First-Class Mail on December 10, 2021, at the email address and physical address on file with the Court. Smartmatic also offered to meet and confer regarding Smartmatic's request in accordance with the Local Rules of this Court. Mr. Lindell and his counsel responded on December 31, 2021, refusing to withdraw the Complaint.

7. The grounds for this motion are more fully set forth in the accompanying Memorandum of Law in Support of the Smartmatic Defendants' Motion for Sanctions. For the reasons stated therein, Smartmatic's Motion for Sanctions should be granted.

Dated: February 11, 2022

/s/ J. Erik Connolly

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