

**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’S MOTION FOR STATUS CONFERENCE**

Third-Party Defendants Smartmatic USA Corp., Smartmatic International Holding B.V. and SGO Corporation Limited (collectively, “Smartmatic”) respectfully move this Court to convene a status conference within the next thirty days to address the status of the Smartmatic third-party defendants in this action in light of recent developments to the financial condition of Defendant/ Counter-Claimants Michael J. Lindell (“Lindell”) and My Pillow, Inc. (“MyPillow”). Smartmatic met and conferred with counsel for Lindell and MyPillow prior to filing this Motion pursuant to Local Rule 7(m).<sup>1</sup> Lindell and MyPillow do not oppose this Motion but reserve all arguments for conference or hearing. In support of this Motion, Smartmatic submits as follows:

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<sup>1</sup> Smartmatic also gave notice of this filing to former counsel to Lindell and MyPillow, Douglas A. Daniels and Heath A. Novosad.

1. At the start of this action, Plaintiffs US Dominion, Inc., Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation (collectively, “Dominion”) brought defamation claims against Lindell and MyPillow in connection with their claims about the 2020 presidential election. ECF No. 1.

2. On December 1, 2021, Lindell filed his Answer and Counterclaims against Dominion, and asserted five new claims against Smartmatic: (1) violation of the Support and Advocacy Clause; (2) participation in a civil conspiracy with Dominion; (3) violation of the Equal Protection Clause and Due Process Clause under 42 U.S.C. § 1983; (4) violation of the First Amendment under Section 1983; and (5) RICO violations. (ECF No. 87.)

3. In response, Smartmatic moved to dismiss Lindell’s Counterclaims (ECF No. 94) and moved for sanctions against Lindell and his then-counsel, Douglas A. Daniels and Heath A. Novosad (ECF No. 118).

4. On May 19, 2022, this Court dismissed all counterclaims against Smartmatic and Dominion. (ECF No. 135.) In so doing, the Court “order[ed] Lindell and his previous counsel to pay some of the fees and costs Smartmatic has incurred defending itself and moving for sanctions under Rule 11” and ordered Smartmatic and Lindell to brief the appropriate measure of costs in light of the decision. (*Id.* at 30–31.) Smartmatic filed the requested supplemental fees briefing (ECF No. 137), as did Mr. Lindell and his counsel (ECF No. 140). This Court has not yet ruled on Smartmatic’s fee petition, which has been pending for over twenty-two months.

5. On April 6, 2023, Smartmatic filed a Notice of Supplemental Authority regarding a decision by the United States District Court for the District of Minnesota in *Smartmatic USA Corp., et al. v. Michael J. Lindell, et al.*, No. 22-cv-00098. (ECF No. 160.) In that action, Smartmatic sued Lindell and MyPillow for defamatory statements about Smartmatic’s role in the

2020 election. Smartmatic submitted as supplemental authority the order denying Lindell and MyPillow's motions to dismiss Smartmatic's claims. (ECF 160-1.)

6. On October 5, 2023, two law firms representing Lindell and MyPillow moved to withdraw as counsel in this action. (ECF No. 195.) In support of their motion, attorneys for Lindell and MyPillow stated, "[Lindell and MyPillow] are millions of dollars in arrears," and that they are "unable to get out of arrears and will be unable to pay for future fees and costs." (*Id.* ¶¶ 1–2.)

7. New counsel for Lindell and MyPillow filed appearances before this Court on January 10, 2024 and April 3, 2024, respectively.

8. Smartmatic's sole remaining involvement in this action is the pending decision on its fee petition (ECF No. 137). This has been pending for twenty-two months. Given Lindell and MyPillow's recent representations about their financial condition, including the need to hire new counsel, Smartmatic is concerned about its ability to collect "the fees and costs incurred in defending itself and moving for sanctions under Rule 11." (ECF No. 135.) According to the motion to withdraw, Lindell and MyPillow are "millions of dollars in arrears" to their own former counsel; thus, Smartmatic may, for all practical purposes, be left without a remedy if this Court does not act on the pending proceedings and determine the amount of fees owed to Smartmatic under its May 19, 2022 Order (ECF No. 135).

9. In light of the foregoing developments, Smartmatic respectfully requests that the Court hold a status conference and adopt the proposed order attached as **Exhibit A**.

Dated: April 16, 2024

*/s/ J. Erik Connolly* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of April, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which I understand to have served counsel for the parties. A copy will also be sent via email and U.S. mail to the following:

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*/s/ J. Erik Connolly*

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*One of the Attorneys for Defendants Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited*