

EXHIBIT 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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RUBY FREEMAN and

WANDREA MOSS,

Plaintiffs,

v.

Civil Action No.

21-3354 (BAH)

RUDOLPH W. GIULIANI,

Defendant.

-----x

DEPOSITION OF RUDOLPH W. GIULIANI

March 1, 2023

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 5786854

Page 2	Page 4
<p>1 2 3 4 5 March 1, 2023 6 9:30 a.m. 7 8 9 Deposition of RUDOLPH W. GIULIANI, 10 held at Willkie, Farr & Gallagher, LLP, 787 11 Seventh Avenue, New York, New York, before 12 Mary F. Bowman, a Registered Professional 13 Reporter, Certified Realtime Reporter, and 14 Notary Public of the States of New Jersey 15 and New York. 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 APPEARANCES: 3 4 CAMARA & SIBLEY 5 Attorneys for Defendant 6 1108 Lavaca Street, Suite 110263 7 Austin, TX 78701 8 BY: JOE SIBLEY, ESQ. 9 -and- 10 DAVIDOFF HUTCHER & CITRON LLP 11 605 Third Avenue 12 New York, New York 10158 13 BY: ROBERT J. COSTELLO, ESQ. 14 15 16 17 18 Also Present: 19 Deverell Write, Legal Videographer 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 2 APPEARANCES: 3 4 WILLKIE FARR & GALLAGHER, LLP 5 Attorneys for Plaintiffs 6 1875 K Street, NW 7 Washington DC 20006 8 BY: MICHAEL J. GOTTLIEB, ESQ. 9 M. ANNIE HOUGHTON-LARSEN, ESQ. 10 MAGGIE MacCURDY, ESQ. 11 MERYL GOVERSKI, ESQ. (Via Zoom) 12 JOHN KNOBLETT, ESQ. (Via Zoom) 13 -and- 14 DUBOSE MILLER LLC 15 75 14th Street NE, Suite 2110 16 Atlanta, Georgia 30309 17 BY: VON A. DUBOSE, ESQ. (Via Zoom) 18 -and- 19 UNITED TO PROTECT DEMOCRACY, INC. 20 82 Nassau Street, #601 21 New York, NY 10038 22 BY: JOHN LANGFORD, ESQ. (Via Zoom) 23 24 25</p>	<p>1 Giuliani 2 THE VIDEOGRAPHER: We are on the 3 record at 9:36 a.m. on March 1, 2023. 4 Please note that the microphones 5 are sensitive and may pick up whispers 6 and private conversations. Audio and 7 video recording will continue to take 8 place unless all parties agree to go 9 off the record. 10 This is media unit 1 of the 11 video-recorded deposition of Rudolph 12 Giuliani. This the taken by counsel 13 for the plaintiff in the matter of Ruby 14 Freeman, et al., versus Rudolph W. 15 Giuliani. 16 This case is pending in the 17 United States District Court for the 18 District of Columbia. We're at the 19 offices the Willkie Farr & Gallagher 20 located at 787 Seventh Avenue. 21 My name is Deverell Write from 22 Veritext Legal Solutions. The court 23 reporter is Mary Bowman from Veritext 24 Legal Solutions. 25 At this time, will counsel please</p>

Excerpted

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1 Giuliani
 2 Then I put them aside and
 3 starting -- really starting a while back,
 4 when I thought we were going to have it
 5 earlier, I read through everything. Then
 6 it got delayed twice, and then I read
 7 through it in the last couple of days,
 8 getting prepared for this.
 9 Q. Okay. When you say it got
 10 delayed twice, you are referring to --
 11 A. Because of my issues, yeah.
 12 Q. Okay.
 13 In preparing for your deposition,
 14 other than your attorneys that are sitting
 15 here with you today, did you talk to
 16 anyone, any third-party, about any of the
 17 issues in this case?
 18 A. I talked to Bernie Kerik. A
 19 while back, I may have talked to Christina.
 20 Probably some others that I can't remember.
 21 I'm sure I talked -- talked to
 22 people about it casually, also. People
 23 would ask you about a case, someone would
 24 ask about this case or some other case or
 25 how's it going, that sort of --

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1 Giuliani
 2 Q. Let me just follow up on a couple
 3 of those folks. Okay?
 4 Bernie Kerik, when was the last
 5 time you spoke with Mr. Kerik -- not -- let
 6 me rephrase.
 7 When was the last time you spoke
 8 with Mr. Kerik about any of the issues in
 9 this case?
 10 A. About, I think, a day ago.
 11 Q. And what did you all talk about?
 12 A. I asked him to -- I asked him --
 13 I asked him to find something -- I asked
 14 him to take another look to see if he had
 15 any papers in his files that would be
 16 relevant to this. Because we don't have
 17 very much paper on this.
 18 He assured me the back -- we
 19 hadn't talked in a long time about this,
 20 and he said, I -- I don't -- I don't think
 21 so, but I'll look again.
 22 Q. Anything else you all talked
 23 about besides --
 24 A. He took me through an incident
 25 involving one of the plaintiffs and the FBI

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1 Giuliani
 2 that he was aware of --
 3 Q. Okay. One of the plaintiffs --
 4 A. -- and he never talked to me
 5 about it, actually. We had never talked to
 6 me about it except back when it happened.
 7 Q. Okay. So when you say, "One of
 8 the plaintiffs," are you referring to one
 9 of the plaintiffs in this case?
 10 A. Yeah. I think it's Ruby Freeman.
 11 Q. When you say an incident with the
 12 FBI, what do you mean?
 13 A. It was some kind of a report that
 14 she was arrested or questioned. It was
 15 very hysterical, claimed that she had done
 16 very bad things and then recanted that.
 17 And I had seen reports of that a
 18 long time ago, never checked them out.
 19 Bernie had sent me the reports a long time
 20 ago, never checked them out. And I asked
 21 him had he ever checked them out, and he
 22 said he did to some extent but he would do
 23 it more thoroughly.
 24 Q. Okay.
 25 And you have had a long

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1 Giuliani
 2 relationship with Mr. Kerik?
 3 A. I have.
 4 Q. Goes back several decades?
 5 A. To 1993.
 6 Q. When you say Mr. Kerik sent you
 7 information about these issues, how does he
 8 send you information?
 9 A. Well, I should modify that to
 10 gave me information. So here is how he
 11 gives me information.
 12 Tells it to me in person, on the
 13 phone, or he will text me. Rarely does he
 14 email. I'm trying to think I have an email
 15 from Bernie. Maybe.
 16 So there would be -- he would be
 17 do it in person. He might give me a piece
 18 of paper. He might text something. Or he
 19 might call me on the telephone.
 20 He was formerly an operative in
 21 the Middle East before he was a police
 22 officer doing intelligence-type work, so he
 23 is very guarded in his -- it's hard to get
 24 anything out of him.
 25 Q. Is he a skilled investigator?

Excerpted

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1 Giuliani
 2 And the President fired his legal
 3 team and said, I want you to go -- largely
 4 because he had been -- he had been promised
 5 that there would be all these
 6 preparations -- let me go back just a
 7 little.
 8 During the campaign, summer
 9 probably, there was a very big article, I
 10 think the biggest one being in the Los
 11 Angeles Times, of the tremendous legal team
 12 that Democrats were putting together and
 13 that they had 1,000 or 2,000 lawyers that
 14 they had prepared draft complaints and
 15 draft papers in numerous jurisdictions.
 16 They were going to challenge everywhere
 17 humanly possible, and they weren't going to
 18 concede no matter what.
 19 It was buttressed by Hillary
 20 Clinton's statement to Biden saying, "Under
 21 no circumstances concede the election, no
 22 matter what the vote is on election night."
 23 So this created -- so this --
 24 now, whether that's true or not, and I
 25 think it was true, if it wasn't true, that

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1 Giuliani
 2 would constitute one of those fakes, right?
 3 That created great consternation in the
 4 Trump team. Do we have that?
 5 I had no idea. I was not part of
 6 the -- I had been at campaign headquarters
 7 three times at that point. I was in my own
 8 law office and consumed with the -- every
 9 once in a while, I talked to them as
 10 friends.
 11 I kind of vaguely knew who his
 12 lawyers were on the team, and I didn't
 13 think an awful lot of them, to think they
 14 were the high-powered lawyers -- when I
 15 read the names of the Democratic lawyers, I
 16 said, Wow, this is not good, it will be
 17 minor league, major league.
 18 But I put aside -- and then one
 19 of my companions -- because this may have
 20 been about the time the hard drive started.
 21 But I remember who it was. Bannon, Steve
 22 Bannon said -- he said, you know, I've been
 23 at that campaign headquarters a couple of
 24 times. I don't think they're prepared for
 25 a damn thing. Why don't you ask him to

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1 Giuliani
 2 find out.
 3 So at some point when I was
 4 meeting with him, I just said,
 5 Mr. President, you should check out the --
 6 he came back and said, Oh, we are very well
 7 prepared. We have got all of this, came
 8 back with a big long thing.
 9 So he referred back to that that
 10 day and said, Go over there and see what
 11 they have.
 12 And when I went over there, they
 13 didn't have anything. They hadn't prepared
 14 anything. They weren't prepared for
 15 anything. They had some lawyers here and
 16 there, complete chaos.
 17 Q. This is the day after the
 18 election?
 19 A. Day or two days after.
 20 So we basically had to get rid of
 21 most of them and start from scratch, which
 22 left us ten days behind our adversaries,
 23 and they were critical ten days.
 24 Q. And the team that was then
 25 assembled was --

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1 Giuliani
 2 A. Was myself --
 3 Q. Let me just finish my question.
 4 I'll ask you about who was on it,
 5 but the team that was assembled at that
 6 point in time, is that the team that
 7 Ms. Bobb is referring to as the "Giuliani
 8 legal team"?
 9 A. Correct.
 10 Q. Now you can tell me, who was on
 11 this team?
 12 A. It was myself, Jenna Ellis,
 13 Victoria Toensing, Joe diGenova, Boris
 14 Epshteyn, originally.
 15 We added Christina after about
 16 two weeks, and we added -- oh, my goodness,
 17 of course, her name will escape me.
 18 Come on, guys, help me. The
 19 wicked witch of the east.
 20 Q. It's -- really, in this forum,
 21 I'm interested in what you remember.
 22 A. Oh, I remember who it is, I just
 23 can't remember the name. I block it out.
 24 Q. We can come back to it.
 25 A. On purpose. Everybody knows who

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1 Giuliani
 2 it is.
 3 Q. We can come back to it.
 4 Anyone else aside apart from
 5 this --
 6 A. Sidney.
 7 Q. Sidney?
 8 A. It was Sidney.
 9 Q. Sidney who?
 10 MR. COSTELLO: How could you
 11 forget that.
 12 Q. Are you referring to Sidney
 13 Powell?
 14 A. Sidney Powell, yeah.
 15 Q. Sidney Powell was part of the
 16 team then?
 17 A. Yeah, she was part of the team.
 18 Q. Did this team meet anywhere or
 19 was it --
 20 A. Yeah, yeah. We had the campaign
 21 office as our headquarters, and we met
 22 there. And then, after a while, the
 23 campaign headquarters sort of dried up and
 24 they were just doing, like, billing things
 25 and very dispirited, so we went and got

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1 Giuliani
 2 rooms at the Mandarin Oriental Hotel where
 3 we could be more private, also, a little
 4 bit away from the press.
 5 And we moved our operation to the
 6 Mandarin Oriental, and then because of
 7 Covid reasons around Christmastime, we
 8 moved it to the Willets Hotel.
 9 Q. So for this Giuliani legal team,
 10 the client was former President Trump in
 11 his personal capacity, is that correct?
 12 A. Correct.
 13 Q. Not the campaign?
 14 A. Well, the campaign -- the
 15 Republican -- the campaign was also part --
 16 I was running the campaign.
 17 Q. Okay. Was there an engagement
 18 letter for any of the clients that this
 19 team represented?
 20 A. I'm not sure. I didn't pay
 21 attention to that.
 22 Q. Any that you can recall seeing or
 23 signing as you sit here today?
 24 A. No, but that doesn't mean I
 25 didn't.

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1 Giuliani
 2 Q. I understand.
 3 There may have been but you can't
 4 recall?
 5 A. Yeah, I have a faint recollection
 6 that there were a couple of things written
 7 up about the inter-reaction but I don't
 8 recall it.
 9 Q. I'm just trying to understand who
 10 the clients were.
 11 A. I understand. It was done like
 12 that (indicating.)
 13 Q. So it may have been that there --
 14 Republican National Committee was a client?
 15 A. Yeah, because in some of the
 16 cases, we were representing both, Donald
 17 Trump and the Republican National
 18 Committee.
 19 But Donald Trump as Donald Trump,
 20 not Donald Trump as President of the United
 21 States, who would be represented by White
 22 House counsel in that case.
 23 Q. Understood.
 24 Donald Trump as candidate for
 25 office?

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1 Giuliani
 2 A. Correct. As candidate, he has to
 3 have a private lawyer.
 4 Q. Understood.
 5 A. As President, he has legal
 6 counsel.
 7 Q. And when you say the cases, you
 8 are referring to litigation that had been
 9 filed or --
 10 A. Some of which had been filed,
 11 some of which would be filed, some of which
 12 was on appeal, had already been lost.
 13 Everything that remained.
 14 Q. Okay.
 15 And so we started this discussion
 16 after the break talking about different
 17 hats, and what we have just been talking
 18 about is litigation.
 19 And so in filings in litigations
 20 and court submissions and hearings before
 21 judges, am I correct that that would be
 22 wearing the litigation legal hat?
 23 A. Sure, sure. The litigation,
 24 the -- yeah.
 25 Q. But at the same time, you were

Excerpted

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1 Giuliani
 2 Q. Do you know about when that
 3 occurred? Was it in December of 2020,
 4 November --
 5 A. I don't.
 6 Q. Okay.
 7 Do you believe that that happened
 8 in the year 2020, so before we got to 2021?
 9 A. Yeah.
 10 Q. Okay.
 11 So at some point in 2020, you
 12 watched a large amount of footage from
 13 State Farm?
 14 A. Yeah, a lot of it is just very
 15 boring and very -- just normal counting of
 16 votes.
 17 Q. And it was available to you in
 18 your -- you had it available to you in your
 19 office, the full video feed from State Farm
 20 Arena that night?
 21 A. Somebody may have brought it and
 22 played it for me. I seem to recall that.
 23 Q. Do you recall who brought it to
 24 you?
 25 Because there was -- if we go

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1 Giuliani
 2 sort of back in time --
 3 MR. COSTELLO: He just shook his
 4 head. He didn't give an answer.
 5 A. I don't recall.
 6 And there is a slight possibility
 7 it happened in Atlanta while I was there.
 8 Q. In Atlanta when you were
 9 testifying before the Georgia legislature?
 10 A. Yeah, I was there a couple of
 11 times.
 12 Q. At least two times you --
 13 A. I testified -- I thought I
 14 testified twice and I was there three times
 15 or maybe I testified three times.
 16 Q. And one of those times was with
 17 Jackie Pick, is that right?
 18 A. Yes. Well, that -- that would
 19 have been before I had actually seen the
 20 video.
 21 Q. Okay. So there is the first day
 22 of testimony before the Georgia legislature
 23 with Jackie Pick when the video was played
 24 for the first time, is that right?
 25 And if I understood --

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1 Giuliani
 2 MR. SIBLEY: Rudy, you got to
 3 answer --
 4 A. The answer is yes.
 5 Q. And I understand you previously
 6 testified that you had not reviewed the
 7 video prior to when you saw it in the room
 8 that day?
 9 A. The first time I saw the video
 10 was when it was played in the hearing
 11 chamber.
 12 Q. And then at some point in time
 13 after that, you came back and testified
 14 again before the Georgia legislature?
 15 A. By that time, I had reviewed the
 16 whole -- or as much of it as I could.
 17 Q. So by the time you came back to
 18 testify again, you believe you had watched
 19 some large amount --
 20 A. Yeah, I think I had watched on
 21 and off about eight hours of it.
 22 Q. Great. We will come back to
 23 that.
 24 Let me show you one more of the
 25 statements. We will mark Exhibit 9.

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1 Giuliani
 2 (Exhibit 9, statement dated June
 3 14, 2022, marked for identification, as
 4 of this date.)
 5 MS. HOUGHTON-LARSEN: And that's
 6 Binder 2, Tab 61.
 7 Q. So the court reporter is handing
 8 you what's been marked as Exhibit 9. This
 9 is a transcript of a show from One America
 10 News distributed on Rumble, June 14, 2021,
 11 Uncovering the Crime of the Century with
 12 Rudy Giuliani, and it looks like the
 13 reporter for this was Natalie Harp.
 14 Do you have a recollection of
 15 this?
 16 A. Yeah, I have a vague -- I mean,
 17 I've been interviewed by Natalie many, many
 18 times, so it is hard to focus on a
 19 particular time.
 20 But if you don't mind, could I
 21 take a short break to use the men's room?
 22 Q. That would be fine.
 23 A. It will be quick.
 24 THE VIDEOGRAPHER: The time on
 25 the video monitor is 12:03 p.m.

Excerpted

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1 Giuliani
 2 A. I don't remember which ones
 3 were -- I don't remember which ones were
 4 direct statements and which ones were
 5 hearsay statements given to me by others.
 6 I would have to look at them all to refresh
 7 my recollection about that.
 8 Q. But I assume you would agree
 9 based on a conversation we had earlier
 10 about the importance of being in a room to
 11 know what's happened there that the people
 12 who were in the room would be very
 13 important witnesses, is that right?
 14 A. Being in the room?
 15 Q. If you are concerned with the
 16 events of what has occurred in a room on a
 17 particular location --
 18 A. Sure.
 19 Q. -- you would want to know what
 20 the people who were in the room said about
 21 what happened on that occasion, is that
 22 right?
 23 A. Sure.
 24 Q. So let me mark an exhibit. And
 25 Exhibit 11, and this is Tab --

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1 Giuliani
 2 MS. HOUGHTON-LARSEN: Eighteen.
 3 Q. Got it. So this is Volume 1,
 4 Tab 18.
 5 (Exhibit 11, petitioner notice of
 6 filing of Exhibit 12 to verified
 7 petition, marked for identification, as
 8 of this date.)
 9 Q. Sir, the court reporter has
 10 handed what has been marked as Exhibit 11.
 11 And Exhibit 11 is an affidavit of an
 12 individual named Mitchell Harrison, who was
 13 a Republican party field organizer in
 14 Georgia. And this has been filed in Fulton
 15 County, Georgia in a case called "Trump v.
 16 Raffensperger" in 2020.
 17 Sir, are you familiar with that
 18 litigation, Trump v. Raffensperger?
 19 A. Vaguely.
 20 Q. Would this have been one of the
 21 cases you would have been --
 22 A. No, I don't think I was involved
 23 in that case. I don't think so.
 24 Q. Have you ever reviewed this
 25 affidavit or any affidavit of Mr. Harrison?

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1 Giuliani
 2 A. Could I read it and then I can
 3 refresh my recollection?
 4 Q. Of course.
 5 A. I recall this, yes.
 6 Q. Do you recall having read this
 7 before?
 8 A. I don't remember the context in
 9 which I've either read it or been told
 10 about it.
 11 Q. Okay. Do you see the date on
 12 this sworn affidavit from Mr. Harrison is
 13 November 9, 2020?
 14 A. No, I didn't, but there it is,
 15 yup.
 16 Q. Okay. So this is very close in
 17 time to the events of election, is that
 18 right?
 19 A. Right.
 20 Q. It's within one week of it, is
 21 that correct?
 22 A. That is.
 23 Q. Do you see a mention anywhere in
 24 this affidavit of Mr. Harrison saying that
 25 they had been told to leave because of a

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1 Giuliani
 2 water main break?
 3 A. I don't.
 4 Q. Do you see in paragraph 10,
 5 Mr. Harrison discusses that after
 6 concluding that Regina Walker would not --
 7 Waller would not give us this information
 8 on the number process versus the ones still
 9 left to be processed, we along with the Fox
 10 News crew left the State Farm Arena shortly
 11 after 10:30 p.m.
 12 Do you see that?
 13 A. I see that.
 14 Q. Do you see any reference in this
 15 paragraph of being instructed to leave?
 16 MR. COSTELLO: Could I have that
 17 last question read back?
 18 (Record read.)
 19 MR. COSTELLO: In this paragraph.
 20 MR. GOTTLIEB: That is the
 21 question.
 22 A. Well, I see paragraph 8,
 23 "Sometime after 10 o'clock, the counting
 24 activity slowed. Shortly thereafter, a
 25 younger lady with a long braided but blond

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1 Giuliani
 2 hair yelled out to all of them they should
 3 stop working and come back. Thereafter,
 4 all but four election employees left State
 5 Farm leaving just the blond-haired lady,
 6 who Michelle and I assumed was the
 7 supervisor, two older ladies and Regina
 8 Waller at the location. The lady appeared
 9 through the night, and Michelle and I
 10 believed her to be the supervisor."
 11 Q. Do you understand those
 12 references to a blond-haired lady in
 13 paragraph 8 to be one of my clients?
 14 A. I can't say that, if that is what
 15 he meant, but what I am saying is,
 16 basically, he was told that they were going
 17 to stop counting.
 18 Q. Yes, sir, but my question is, do
 19 you see any reference --
 20 A. I don't, I don't --
 21 Q. -- in that paragraph --
 22 A. -- but that isn't the only reason
 23 that they were thrown out. That was one
 24 of.
 25 Q. Mr. Giuliani, my question simply

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1 Giuliani
 2 is, do you see --
 3 A. No, I told you, I don't see it
 4 here, but that doesn't --
 5 Q. And do you see --
 6 A. -- that doesn't explain the fact
 7 that they were told that the counting would
 8 stop, which turned out to be a lie. And
 9 the counting didn't -- the counting didn't
 10 stop and proceeded illegally.
 11 Q. Mr. Giuliani, I understand that's
 12 your view, and we will have a conversation
 13 about that.
 14 My question now is simply
 15 focusing on your allegation that my clients
 16 threw observers out of State Farm Arena on
 17 the night of November 3rd, and my question
 18 to you is if you see any indication in this
 19 affidavit that my clients instructed
 20 Mr. Mitchell -- or Mr. Harrison or his
 21 colleagues to leave State Farm Arena?
 22 A. "The blond-haired lady yelled out
 23 to all of them they should stop working and
 24 come back tomorrow."
 25 It seems to me that's telling

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1 Giuliani
 2 them to leave.
 3 Q. You believe --
 4 A. Stop working. Come back
 5 tomorrow.
 6 Q. You believe that that reference
 7 is an instruction to the observers to stop
 8 working, not the counters?
 9 A. It's an instruction to everybody
 10 to stop working and to go home.
 11 Q. And yet --
 12 A. But what turned out is the
 13 workers --
 14 Q. Mr. Giuliani, you'll --
 15 A. -- stayed and counted illegally.
 16 MR. COSTELLO: Let him finish his
 17 answer, please.
 18 Q. That paragraph is a reference to
 19 shortly after 10 o'clock p.m., is that
 20 right?
 21 A. Yeah. That's when it stopped,
 22 yeah.
 23 Q. And this --
 24 A. I would say that statement fits
 25 easily the description that they were

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1 Giuliani
 2 thrown out, yelled at -- yelled out to all
 3 of them they should stop working and come
 4 back tomorrow.
 5 Q. Mr. Giuliani --
 6 A. That was untrue.
 7 Q. -- they did not leave until after
 8 10:30 p.m., is that correct?
 9 A. It doesn't matter when they left.
 10 They were told to leave, and I'm not sure
 11 that timing is absolutely correct.
 12 Q. Well, in paragraph 10,
 13 Mr. Harrison says, "We left State Farm
 14 Arena shortly after 10:30 p.m."
 15 A. Yeah, I'm not sure that that's
 16 absolutely correct.
 17 But in any event, he was told to
 18 leave.
 19 Q. That is, your view is that
 20 paragraph 8 -- as I understand it, your
 21 view is that Mr. Harrison is saying in a
 22 sworn affidavit in paragraph 8 that he and
 23 his colleagues and the observers were told
 24 to leave?
 25 A. No. He is saying that everybody

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1 Giuliani
 2 was told to leave. Which turned out to be
 3 worse because that turned out not to be the
 4 truth until -- they got rid of the people
 5 they wanted to get rid of. They kept the
 6 people they wanted to keep, and then they
 7 proceeded to count irrespective of the law
 8 of Georgia.
 9 Q. Mr. Giuliani, nonetheless, if
 10 that is your interpretation of
 11 Mr. Harrison's statement, he and his
 12 colleagues remained for another half hour,
 13 is that --
 14 A. Trying to get information that
 15 they didn't get.
 16 Q. Mr. Giuliani, did you ever talk
 17 to Mr. Harrison about what he may have
 18 meant in this affidavit?
 19 A. I wasn't -- no, I don't think so
 20 because I wasn't involved in this case.
 21 Q. Okay. Did it ever occur to you
 22 to talk to the eyewitnesses who were
 23 present at State Farm?
 24 A. Not based on this. This seemed
 25 to me to be sufficient to make it clear

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1 Giuliani
 2 that they were yelled at, they were told to
 3 stop working, to come back tomorrow.
 4 It turned out to be a completely
 5 phony excuse. But whether the phony excuse
 6 was the water main break or this person
 7 saying they are going to stop counting but
 8 lying about that, doesn't seem to matter
 9 very much to me. I wasn't pursuing this
 10 case. But it seems to me that's equally as
 11 despicable.
 12 Q. Mr. Giuliani, you agree that word
 13 choice is important, correct?
 14 A. Yeah.
 15 Q. Particularly in a sworn affidavit
 16 to the court?
 17 A. Um-hm.
 18 Q. You see on this page where you
 19 are saying that you believe Mr. -- I
 20 keep -- I keep transposing Mitchell and
 21 Harrison.
 22 Where Mr. Harrison is talking
 23 about what happened that night, sometimes
 24 he uses the word "they" and sometimes he
 25 uses the word "we."

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1 Giuliani
 2 Do you see that?
 3 A. Right.
 4 Q. In paragraph 8, does he say (as
 5 read): The blond-haired -- the lady with
 6 the long braided but blond hair yelled out
 7 to us, we should stop working?
 8 A. No. I don't say that he did.
 9 Q. Is it maybe a reasonable
 10 assumption that that's because the
 11 observers did not work for the Georgia
 12 election officials?
 13 A. I don't see what that would have
 14 to do with it. The people who are working
 15 are the election officials.
 16 Q. We can agree that this paragraph
 17 does not say that the lady with the long
 18 braided but blond hair yelled out to all of
 19 us, we should stop working, correct?
 20 A. No. But it could easily be
 21 interpreted as referring to the people who
 22 are doing the main work, who were the
 23 people counting the ballots, that's the way
 24 I would read it.
 25 Q. You would read it as the people

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1 Giuliani
 2 doing the work and counting the ballots?
 3 A. The other people are observing.
 4 Q. Great. So we can --
 5 A. The work being done there is not
 6 observing. The work being done there is
 7 counting ballots.
 8 The woman yells out, Stop
 9 working, counting the ballots, not stop
 10 observing. That would be absurd --
 11 Q. Okay.
 12 A. -- and then, Come back tomorrow.
 13 Q. I think we understand each other
 14 now.
 15 A. And that ended up in the
 16 situation with the -- maybe a different
 17 ruse being used that the water main break
 18 was intended to accomplish, which is to get
 19 out the observers and then have a nice,
 20 private place, contrary to Georgia law, so
 21 you could count the ballots that were
 22 hidden under what looked like to me a
 23 casket.
 24 Q. Okay. I think we understand each
 25 other.

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1 Giuliani

2 A. I mean, I've done a lot of cases

3 that -- that's about as clear to me as you

4 can get.

5 Could I have a little more water?

6 Q. Sure.

7 We will mark another exhibit.

8 MR. COSTELLO: Mr. Gottlieb, how

9 long do you want to go? It's 12:36.

10 We don't have any problem if you

11 want to go later.

12 MR. GOTTLIEB: I have about

13 probably two more exhibits to finish

14 this line of questioning.

15 THE WITNESS: I'm okay. If you

16 are worried about me.

17 MR. GOTTLIEB: We will close that

18 out and then we'll take our lunch

19 break.

20 THE WITNESS: Worry about me

21 until I faint.

22 (Exhibit 12, petitioner notice of

23 filing of Exhibit 13 to verified

24 petition, marked for identification, as

25 of this date.)

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1 Giuliani

2 Q. Mr. Giuliani, you have been

3 handed what has been marked as Exhibit 13,

4 and this is Tab --

5 A. You are making me do more reading

6 than I had to do to prepare for myself.

7 Q. Sorry, Exhibit 12.

8 MR. COSTELLO: What volume is

9 this?

10 MS. HOUGHTON-LARSEN: Volume 1,

11 Tab 16.

12 Q. So, Mr. Giuliani, the --

13 Exhibit 11 was the affidavit of Mitchell

14 Harrison. Exhibit 12 is an affidavit from

15 another Republican election observer who

16 was present at State Farm Arena on election

17 night, and that is a woman named Michelle

18 Branton.

19 Does that name ring a bell to

20 you?

21 A. It does vaguely but I -- if I

22 read this --

23 Q. Why don't you take a moment --

24 A. -- if I read this, I might be

25 able to place it better.

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1 Giuliani

2 Q. Why don't you take a moment to

3 read the affidavit.

4 A. You have to appreciate that this

5 is one case out of eight others and there

6 are over a thousand affidavits.

7 So they do get a little

8 confusing, sometimes the states get

9 confused.

10 MR. COSTELLO: You're not

11 representing that this is one of the

12 eight cases challenging the election,

13 right?

14 This is a different case brought

15 by President Trump in his capacity

16 against Raffensperger.

17 MR. GOTTLIEB: I'm not

18 representing anything about this case.

19 Except for what the caption is and the

20 court --

21 MR. COSTELLO: Got it. Thank

22 you.

23 A. I mean, I should have made more

24 of how far away this stupid thing was from

25 the counting. You couldn't say anything.

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1 Giuliani

2 MR. COSTELLO: Rudy, please, just

3 read it.

4 What was the number of the

5 previous one, 20?

6 MS. HOUGHTON-LARSEN: The

7 previous tab? 18.

8 A. Okay. I still can't place her.

9 I kind of generally remember her. But it

10 kind of fits in with about five other

11 people.

12 Q. Do you have a -- well, so first

13 of all, this is an affidavit of Michelle

14 Branton that is sworn on the 8th of

15 November 2020, and it has been filed in

16 that same litigation, Trump v.

17 Raffensperger.

18 A. Correct.

19 Q. Do you have any recollection of

20 ever reviewing this affidavit or the

21 contents of it?

22 A. I have a recollection of the

23 facts here. Whether I saw it in an

24 affidavit or somebody told them to me, I

25 don't know.

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1 Giuliani
 2 I mean, not all the facts but the
 3 key -- the key facts.
 4 Q. So Ms. Branton was at State Farm
 5 on election night along with Mr. Harrison
 6 according to this affidavit, is that right?
 7 A. That's right.
 8 Q. And she was a Republican
 9 observer, is that right?
 10 A. She was a Republican observer
 11 that I should note spent all her time and
 12 did not observe nothing. Was not able to
 13 observe anything.
 14 Q. And do you see in paragraph 7,
 15 there is a reference to a woman across the
 16 room where the scanners were located,
 17 yelled at everyone to stop working and
 18 return the next day at 8:30 a.m.?
 19 A. Correct.
 20 Q. And that's the same thing we were
 21 just discussing from the affidavit of
 22 Mr. Harrison, the same --
 23 A. I would assume that's right. Two
 24 people could have done it, too, but, I mean
 25 we will assume that it was one person that

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1 Giuliani
 2 did it.
 3 Q. And you see after that that
 4 Ms. Branton stayed for some period of time
 5 in State Farm Arena and performed some
 6 additional activities, is that right?
 7 A. Yeah. I mean, that's what
 8 appears on the tape as well. They leave
 9 sort of ad seriatim. They don't leave all
 10 at once, they leave a few at a time.
 11 Q. Right. So Ms. Branton, along
 12 with what looks like the Fox News crew
 13 that's referenced in paragraph 9, remained
 14 in the room for some period of time, is
 15 that right?
 16 A. A woman across the room -- tell
 17 everyone to stop working and return the
 18 next day. The lady had appeared through
 19 the night. Mitchell and I believed her to
 20 be the supervisor.
 21 And then after the supervisor
 22 gave her instruction, all the staff workers
 23 left, except the supervisor described and
 24 another much older lady that had a shirt on
 25 that said "Ruby" on it, and that one other

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1 Giuliani
 2 lady that I cannot recall her appearance
 3 and Regina Waller -- so at the time that
 4 work stopped at about 10:30, I recall those
 5 four employees remaining.
 6 At this time, we along with the
 7 Fox crew were the only persons as I recall
 8 left in the room, other than, I guess, what
 9 she described. We had been instructed by
 10 Brandon Moe (phonetic) to obtain the number
 11 of ballots processed and the number that
 12 was still remaining to be processed. I
 13 guess to check to see if they were going to
 14 count any overnight.
 15 We attempted to obtain the
 16 information three separate times, and she
 17 wouldn't give it to us, basically. She
 18 also appeared to be calling someone asking
 19 them for advice on how to respond to our
 20 request. You can obtain it on the website.
 21 Q. So the chronology that is
 22 described here by Ms. Branton is a woman
 23 gives an instruction to the election
 24 workers to stop working.
 25 Ms. Branton then attempts to

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1 Giuliani
 2 obtain -- is staying after that
 3 instruction, attempts to obtain some
 4 additional information --
 5 A. Well, apparently, she decides to
 6 leave, but she has to get information
 7 before she leaves. That information is
 8 information that you would get upon exit,
 9 right?
 10 How many have been counted, let's
 11 freeze it, then why do you want that
 12 information, so that you can pick up are
 13 they screwing around with me and are they
 14 going to count ballots overnight. That's
 15 why she is asking for that document.
 16 Q. That's your interpretation of why
 17 she is asking?
 18 A. I can't imagine why else.
 19 Q. Mr. Giuliani, do you see any
 20 reference in this affidavit to being told
 21 that there was a water main break?
 22 A. I don't. But I see the same
 23 scheme that is just as pernicious, which is
 24 to make it as -- make it appears as if you
 25 are going to stop counting, get the people

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1 Giuliani
 2 out and then go ahead and count.
 3 Q. I understand that, Mr. Giuliani.
 4 A. What does it matter if it was a
 5 water main break or it was a lie?
 6 Q. Well, I thought that you said
 7 that words matter --
 8 A. Words are important --
 9 Q. -- tremendously.
 10 A. Tremendously important, but the
 11 intent of the words and the effect of the
 12 words are the most important.
 13 Did you do it with a gun or a
 14 knife? Well, maybe people thought you did
 15 it with a gun but you actually did it with
 16 a knife.
 17 Q. I understand, Mr. Giuliani.
 18 So do you see any reference in
 19 Ms. Branton --
 20 A. I do not see a reference --
 21 Q. Please let me finish my question,
 22 sir.
 23 A. -- to a water main break.
 24 Q. Please let me finish my question
 25 sir.

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1 Giuliani
 2 Do you see any reference in
 3 Ms. Branton's affidavit to being forced out
 4 of State Farm Arena or being told that they
 5 must leave?
 6 A. Well, it depends on how strong
 7 that statement is.
 8 She was told -- she was told to
 9 leave. And in due course, she and
 10 everybody else left.
 11 She wanted some information that
 12 would seem to me to be very relevant to
 13 whether this was on the up and up and was
 14 denied that information.
 15 Q. Mr. Giuliani, I thought we agreed
 16 in looking at the last affidavit that the
 17 instruction to stop working was the
 18 instruction to the election officials.
 19 A. No, we didn't.
 20 Q. You understood it to be an
 21 instruction to the election officials.
 22 A. Well, yes, yes, but, I mean, she
 23 wanted everybody out of there.
 24 Q. Because, of course, the observers
 25 do not work for the Georgia state election

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1 Giuliani
 2 officials, right?
 3 A. Yes, yes. Well, she is telling
 4 them that they are not going to be working,
 5 so, therefore, come back tomorrow.
 6 Q. Sir, I understand that you think
 7 there may be a different aspect of the
 8 scheme. I'm simply just trying to focus on
 9 the precise factual allegation that you
 10 alleged that my clients instructed or
 11 forced the observers to leave State Farm
 12 Arena. I'm trying to drill down on that
 13 precise allegation --
 14 MR. SIBLEY: Objection, form.
 15 A. So you are -- the people there
 16 executed this by creating a false scenario
 17 that the counting was going to stop and,
 18 therefore, there was no reason to remain
 19 there, and they actually gave a false time
 20 when it was going to start again, at 8:30
 21 the next morning, and then they waited out
 22 everybody leaving, which was short half
 23 hour.
 24 Q. Okay. So based on these
 25 affidavits --

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1 Giuliani
 2 A. So they used a subterfuge, a
 3 ruse, a fraud to get the people out.
 4 Q. And we will come to that.
 5 But for present purposes, can we
 6 agree, based on these eyewitness
 7 statements, that one thing my clients did
 8 not do is physically force all of the
 9 election observers to leave State Farm
 10 Arena?
 11 A. I don't think I said she
 12 physically did it.
 13 Q. Let's remove the word
 14 "physically."
 15 Can we agree that my clients did
 16 not force the observers to leave State Farm
 17 Arena?
 18 A. I wouldn't agree with that.
 19 I would say the tactics that were
 20 used are tantamount to creating a situation
 21 where it would be useless to remain there.
 22 Q. Okay.
 23 A. So that by --
 24 Q. Useless to remain --
 25 A. Particularly -- particularly by

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1 Giuliani
 2 giving them a completely false statement as
 3 to what was happening, of course it was
 4 intended to force them out.
 5 Q. Okay. You would agree though
 6 that my clients --
 7 A. It wasn't force like beating them
 8 over the head with a stick, but it was
 9 manipulating them.
 10 Q. You would agree, based on these
 11 affidavits, certainly that my clients did
 12 not escort the observers out of State Farm
 13 Arena?
 14 A. It doesn't say who or if anyone
 15 escorted them, that's correct.
 16 But, I mean, I don't know, I --
 17 Q. In fact --
 18 A. We will have to look at the
 19 video --
 20 Q. -- both of the affidavits say
 21 that we left, correct?
 22 A. Well, they were the last to
 23 leave.
 24 Q. You would think, would you not,
 25 that these two individuals in their

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1 Giuliani
 2 affidavits, if they had been escorted out
 3 or forcibly removed from State Farm Arena
 4 would say that, would you not?
 5 A. I think they would say if they
 6 were forcibly removed. I don't know if
 7 they would say if they were escorted, and
 8 at the time -- remember, at the time that
 9 this is being said to them, they have no
 10 reason to believe they are being lied to.
 11 Q. Correct.
 12 A. They don't find that out until
 13 later.
 14 Q. I understand that is your
 15 position. But these are affidavits
 16 submitted in support of litigation alleging
 17 election fraud, am I right?
 18 A. Yeah.
 19 Q. And so is there any reason you
 20 can think of why if these eyewitnesses have
 21 been forcibly removed from State Farm
 22 Arena --
 23 A. I didn't say they were forcibly
 24 removed.
 25 Q. Is there any reason that you

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1 Giuliani
 2 could think of --
 3 A. If they were forcibly removed, I
 4 imagine they would say it, sure.
 5 Q. Okay.
 6 A. I would.
 7 Q. And if they had been instructed
 8 themselves, observers, get out, do you
 9 think that they would say that, too?
 10 MR. SIBLEY: Objection, form.
 11 A. I think that's a matter of
 12 interpretation. I could interpret this as
 13 being effectively instructed to get out
 14 because it's useless to remain.
 15 Q. Okay. Let's mark another
 16 exhibit.
 17 This is Exhibit 13.
 18 A. Based on a lie.
 19 MS. HOUGHTON-LARSEN: Volume 1,
 20 Tab 6.
 21 (Exhibit 13, document entitled
 22 "State Election Board Report, November
 23 13, 2020, Unabridged Notes Detailing
 24 Everything Witnessed November 2 through
 25 November 7, 2020," marked for

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1 Giuliani
 2 identification, as of this date.)
 3 Q. Mayor Giuliani, you've been
 4 handed what has been marked as Exhibit 13.
 5 And this document is entitled "State
 6 Election Board Report, November 13, 2020,
 7 Unabridged Notes Detailing Everything
 8 Witnessed November 2 through November 7,
 9 2020."
 10 Have you ever seen this document
 11 before?
 12 A. Gee, that's a good question.
 13 I've seen -- here's what strikes me. I've
 14 seen this Seven Hills logo before.
 15 Q. Do you recall --
 16 A. But beyond that, this does not
 17 ring -- this doesn't -- what's the right
 18 words -- jog my recollection.
 19 Q. Do you recall recently doing a
 20 podcast with John Solomon?
 21 A. Yeah, yeah. I recently did two,
 22 but yeah.
 23 Q. Do you recall on one of those
 24 podcasts with John Solomon, there was a
 25 discussion about the notes of a Georgia

Excerpted

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1 Giuliani
 2 talked on a number of podcasts about how
 3 somewhere around 100,000 or more votes were
 4 added for Biden in kind of the middle of
 5 the night on Election Day or the night
 6 after Election Day.
 7 Is it your contention or theory
 8 that these USB drives related to that dump
 9 or addition of votes late in the night that
 10 day?
 11 A. I don't remember. I don't
 12 remember if I said 100,000 with regard to
 13 Georgia or some other state.
 14 Q. Okay. I mean, if I -- without
 15 going through a bunch of statements, if I
 16 represent to you --
 17 A. If you say I said it --
 18 Q. -- if I represent to you that you
 19 said somewhere between 100,000 and 138,000
 20 at various times --
 21 A. Yeah, I would say -- I'm not
 22 going to debate -- I'm not going to debate
 23 it.
 24 Q. So as you sit here today, is it
 25 your belief that large number of votes --

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1 Giuliani
 2 large numbers of votes were added for then
 3 Vice President Biden, former Vice President
 4 Biden in the night after Election Day that
 5 were the result of these USB drives?
 6 A. Oh, I don't know that, that
 7 that -- I don't know if that came before or
 8 after.
 9 Remember, the night of the
 10 election, Trump was ahead by 2-and-a-half
 11 percent about and -- or maybe 3-and-a-half,
 12 I don't remember. So I don't know if those
 13 votes had already been counted in that
 14 3-and-a-half percent lead or these votes
 15 were tossed in later.
 16 Q. I just want to try to nail down
 17 your understanding of this.
 18 So why don't we look at -- I
 19 think we have introduced this one already,
 20 right?
 21 This is Volume 2, Tab 55. We
 22 will mark another exhibit. Just make sure
 23 I understand.
 24 We will mark this as Exhibit 15.
 25 (Exhibit 15, transcript of "I

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1 Giuliani
 2 Can't Say This on National Television"
 3 marked for identification, as of this
 4 date.)
 5 Q. So you've been handed what has
 6 been marked as Exhibit 15, which is a
 7 transcript of your Common Sense episode 98,
 8 I Can't Say This on National Television,
 9 dated December 30, 2020.
 10 MR. COSTELLO: Can you give me
 11 the volume, please?
 12 MS. HOUGHTON-LARSEN: Volume 2,
 13 Tab 55.
 14 MR. COSTELLO: 55. Thank you.
 15 Q. And if you turn to page 8 of this
 16 transcript and start down on line 12, and
 17 you are talking about your analysis of the
 18 voter theft in Georgia, and you say, "We
 19 tracked the time that this took place. How
 20 many votes were counted during this period
 21 officially and the votes counted during
 22 this period of time were about 120,000 and
 23 almost all of them were for Biden."
 24 Is this the period of time when
 25 you have alleged that the observers were

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1 Giuliani
 2 wrongfully excluded from State Farm Arena?
 3 A. I believe so. I'd have to look
 4 at -- this is based on a report from Walton
 5 where he did a run.
 6 Q. Sorry, you said "Walton." Is
 7 that Waldron?
 8 A. W-A-L-T-O-N, Phil Walton.
 9 Q. Phil Waldron, W-A-L --
 10 MR. COSTELLO: D-R-O-N.
 11 Q. -- D-R-O-N?
 12 A. Yeah.
 13 This is based on a -- what Phil
 14 tried to do is take a look at, during this
 15 period, how many votes were counted and
 16 what was the breakdown, and he had a couple
 17 of different scenarios, and this was one of
 18 them.
 19 Q. Okay.
 20 A. But in each case, it was a
 21 significantly large number of Biden votes
 22 and a ridiculously small number of Trump
 23 votes, like 70,000 to 3,000, or something
 24 like that.
 25 This was one of two or three

Excerpted

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1 Giuliani

2 A. Only after the fact.

3 Q. Okay. Let's mark this as the

4 next exhibit, Exhibit 19. This is

5 Volume 1, Tab 12.

6 (Exhibit 19, document entitled,

7 "Strategic Communications Plan of the

8 Giuliani Presidential Legal Defense

9 Team," marked for identification, as of

10 this date.)

11 Q. Do you -- as you sit here today

12 and you looked at what has been marked as

13 Exhibit 19, do you recognize this document?

14 A. I should clarify how I recognize

15 it though.

16 Q. Please do.

17 A. I recognize it as something given

18 to me after this litigation began.

19 Q. Okay.

20 A. I hadn't seen this before.

21 Q. So, Mr. Giuliani, you produced

22 this document to us in this litigation. So

23 how did you receive it?

24 A. I believe, I believe --

25 MR. SIBLEY: Object to form.

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1 Giuliani

2 A. -- I didn't originally produce

3 this document to you. But I think when I

4 asked Bernie Kerik for his documents, I got

5 this document and then I produced it to

6 you.

7 Q. Okay.

8 A. In other words, this was in

9 Bernie's possession, not mine.

10 Q. Bernie Kerik would know how this

11 document came about and what was done with

12 it?

13 A. Pretty much, yeah.

14 Q. You would trust his explanation

15 of how this document came about and what

16 was done with it?

17 A. Yeah, I mean, having seen it now,

18 I know a little bit about how it came

19 about, but I'm telling you the document

20 itself, I didn't see at the time, don't

21 believe I originally submitted it to you,

22 and then Bernie gave it to us and we gave

23 it to you.

24 Q. Okay.

25 You, I think, testified before

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1 Giuliani

2 the January 6 Commission.

3 Do you recall doing that?

4 A. Pardon me?

5 Q. You testified before the January

6 6 Commission in Congress, is that correct?

7 A. Right.

8 Q. And I think, in that testimony,

9 you talked about this document, is that

10 right?

11 A. I -- yes, I did.

12 Q. And you testified truthfully

13 before the January 6 Commission?

14 A. I did.

15 Q. Did you tell the January 6

16 Commission with respect to this document

17 that you were familiar with the

18 communications plan that was going to be --

19 A. I was.

20 Q. -- presented to the White House?

21 A. Right.

22 Q. And that you -- you actually, I

23 believe, had a view about this

24 communications plan, right?

25 A. I was opposed to it.

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1 Giuliani

2 Q. So you were familiar with this

3 communications plan before this litigation,

4 is that right?

5 MR. SIBLEY: Objection to form.

6 A. Yes. I wasn't saying I wasn't, I

7 just had never seen the document before.

8 Q. So that's what I want to

9 understand.

10 A. Okay. I was familiar -- I was

11 familiar with various aspects of this. I

12 was familiar with what they wanted to do.

13 I thought what they wanted to do was a

14 mistake. I knew it wouldn't be agreed to.

15 I thought it was too late for a

16 public relations plan. I thought the

17 company involved in it was just trying to

18 make money. And they wanted to go ahead

19 with it, and I said, Well, okay, go ahead

20 with it.

21 They may have offered this to me

22 before they went to -- and I said, But I'm

23 not going to go to the White House, you can

24 go yourself.

25 They may have presented this to

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1 Giuliani
 2 me beforehand to look at, and I said, Why
 3 am I going to bother looking at it? How
 4 many times can I tell you, I don't think
 5 it's a good idea.
 6 Q. What company was the
 7 communications company that you --
 8 A. I don't remember. If we look in
 9 here, we probably can find it.
 10 And they are not bad people, but
 11 it just seemed like a waste of money.
 12 Q. If you turn four pages into this
 13 document -- and I apologize, there are no
 14 page numbers, but this is how it was given
 15 to us -- you will see at the top of the
 16 page I'm trying to get to in blue writing
 17 something that says, "Supporting documents,
 18 voter fraud highlights for 2020 U.S.
 19 election."
 20 A. What page? Is it the fourth
 21 page?
 22 Q. I'm sorry --
 23 MR. COSTELLO: I think that's the
 24 wrong page.
 25 Q. This would be the 8th page,

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1 Giuliani
 2 because it's double -- printed
 3 double-sided.
 4 A. What does it say on the top?
 5 Q. "Supporting documents."
 6 MR. COSTELLO: Supporting
 7 documents.
 8 Q. In blue print.
 9 A. Oh, yeah, I see it.
 10 Q. I think this is -- I apologize,
 11 it's not the fourth page. It's the eighth
 12 page.
 13 And it says, "Voter fraud
 14 highlights for 2020 U.S. election presented
 15 by the Giuliani team."
 16 Do you see that?
 17 A. I do.
 18 Q. And you see that page we are
 19 looking at says "Arizona" on the top. The
 20 next page over, if you look at it, it says
 21 "Georgia."
 22 Do you see that?
 23 A. I do.
 24 Q. And there are a number of sort of
 25 bullet points, statistics about Georgia

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1 Giuliani
 2 that you see here.
 3 Is this page or these bullet
 4 points familiar to you?
 5 A. I've seen -- honestly, not
 6 specifically. Generically. I've seen many
 7 of these bullet point pages with shifting
 8 numbers, changing numbers, different
 9 experts.
 10 Q. Okay.
 11 A. To say that I saw this exact one
 12 that they connected to this document, I
 13 can't tell you that.
 14 Q. All right.
 15 A. Some of it -- some of it looks
 16 familiar. Some of it looks unfamiliar.
 17 Q. Okay.
 18 If you turn -- and, I again
 19 apologize, there are no page numbers here,
 20 but turn one, two, three, four, five, six
 21 pieces of paper in, until you get to very,
 22 very small print --
 23 MR. COSTELLO: In further?
 24 Q. Yeah, in further in the
 25 document --

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1 Giuliani
 2 A. Further?
 3 Q. -- until you see small print,
 4 they look like footnotes.
 5 A. Yeah, the little blue things.
 6 Yeah, okay.
 7 Q. And do you see at the bottom of
 8 this page -- just make sure we are on the
 9 same place -- "Georgia 1, suitcase gate"?
 10 Let's find that together.
 11 MR. COSTELLO: That's the next
 12 page. At the bottom.
 13 A. I see Arizona.
 14 Q. So turn one more page.
 15 MR. COSTELLO: The numbers are 6,
 16 7, 8, 9, 10.
 17 A. Now I see Georgia, suitcase gate.
 18 MR. COSTELLO: That's it.
 19 Q. So this says, "Georgia 1,
 20 suitcase gate," and then if you look a
 21 few -- I guess it's really one sentence in
 22 there, it says, "Ruby Freeman, woman in
 23 purple shirt on video, now under arrest and
 24 providing evidence against Georgia
 25 Secretary of State Stacey Abrams and

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1 Giuliani
 2 DNC" --
 3 A. I don't know what that's based
 4 on. I mean, I've heard that rumor, but I
 5 had never had any proof of that.
 6 Q. And you can see there --
 7 A. No, I didn't see that that was
 8 submitted as part of this.
 9 But I've heard -- I've heard
 10 rumors that she was arrested and she was
 11 going to turn state's evidence and that she
 12 didn't.
 13 Q. Okay. You know now as you sit
 14 here today that this arrest did not happen,
 15 right?
 16 A. I don't know that, no.
 17 Q. You don't know that?
 18 A. I don't know -- if that -- if an
 19 incident like I just described to you
 20 happened or not.
 21 I know that I heard about it. I
 22 know -- I didn't know about it to the
 23 extent or had confidence in it enough that
 24 I would have put it in the report, I
 25 wouldn't. But I still don't know if

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1 Giuliani
 2 something like that did happen or didn't
 3 happen.
 4 Q. Okay.
 5 Your motion to dismiss cites a
 6 Snopes article from December 18, 2020.
 7 Are you familiar -- that speak to
 8 this issue?
 9 A. Who?
 10 Q. An article from Snopes?
 11 Do you know what Snopes is?
 12 A. No.
 13 Q. You talked about Snopes in your
 14 podcast about misinformation on social
 15 media as a cite that sometimes debunks
 16 rumors and debunks --
 17 A. All right. Okay.
 18 Q. And I just will show you
 19 Volume 2, Tab 47, we will mark as the next
 20 exhibit.
 21 (Exhibit 20, article from Snopes,
 22 marked for identification, as of this
 23 date.)
 24 Q. So you have been handed what has
 25 been marked as Exhibit 20, which is an

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1 Giuliani
 2 article from Snopes.com dated December 18,
 3 2020, entitled "Ruby Freeman was not
 4 arrested by the FBI." And this is, again,
 5 an article that is cited in your motion to
 6 dismiss.
 7 And if you look at page 4 --
 8 sorry. I apologize, not page 4. If you
 9 look at page 2, this article that you have
 10 cited says, third paragraph down, "There
 11 was no truth to this rumor that FBI did not
 12 arrest Ruby Freeman for election fraud and
 13 this person was not suspected outside of
 14 conspiracy-minded circles of any illegal
 15 activity related to the 2020 election."
 16 Do you see that?
 17 A. Right.
 18 Q. Do you see that there is a
 19 description of how this viral message --
 20 there is a viral message that started this
 21 rumor that were part of Twitter threads?
 22 MR. COSTELLO: Talking about the
 23 next paragraph, right?
 24 MR. GOTTLIEB: Yes.
 25 A. Okay.

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1 Giuliani
 2 Q. So this article that you cited
 3 references Facebook posts and Twitter posts
 4 that began a viral theory that Ruby Freeman
 5 had been arrested.
 6 Are you aware of any other source
 7 of information, apart from the ones
 8 mentioned in this article, that
 9 substantiate an allegation that Ruby
 10 Freeman had been arrested?
 11 A. Do I know any more sources for
 12 this allegation?
 13 Q. Correct.
 14 A. No.
 15 Q. Did you ever do anything to
 16 investigate whether or not Ruby Freeman had
 17 been arrested and was providing testimony
 18 about Stacey Abrams and the DNC?
 19 A. I asked Bernie Kerik to look into
 20 it.
 21 Q. Did he?
 22 A. I only did that a few days ago.
 23 Q. So you asked Bernie Kerik a few
 24 days ago to look into whether Ms. Freeman
 25 had been arrested?

Excerpted

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1 Giuliani
 2 the video monitor is 3:17 p.m. We are
 3 off the record. This is the end of
 4 media 3.
 5 (Recess.)
 6 THE VIDEOGRAPHER: We are back on
 7 the record. The time on the video
 8 monitor is 3:31 p.m. This is media
 9 unit 4.
 10 BY MR. GOTTLIEB:
 11 Q. Mayor Giuliani, I'm going to hand
 12 you two documents. They were produced to
 13 us sequentially. And we will mark them as
 14 Exhibits 21 and 22.
 15 (Exhibit 21, document, Bates
 16 stamped 076PR - 1890_001, marked for
 17 identification, as of this date.)
 18 (Exhibit 22, document, Bates
 19 stamped 076PR - 1891_001, marked for
 20 identification, as of this date.)
 21 MS. HOUGHTON-LARSEN: Tabs 51 and
 22 52 in Binder 2.
 23 Q. These documents have Bates
 24 numbers on them, unlike many of the ones
 25 we've been looking at.

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1 Giuliani
 2 These document have Bates
 3 numbers. Exhibit 21 has the Bates number
 4 076PR many zeros 1890 ending in 001.
 5 Exhibit 22 has 076PR many zeros
 6 1891 ending in 001 also. And that document
 7 goes a number of pages through 0021 as the
 8 Bates number on the last page.
 9 These documents were produced to
 10 us in this litigation.
 11 Do you recognize Exhibit 21 as an
 12 email from Mr. Kerik to Mark Meadows?
 13 A. That's what it looks like, sure.
 14 Sure, sure.
 15 Q. And Mark Meadows as of
 16 December 28, 2020 was the Chief of Staff of
 17 the White House?
 18 A. Yes, he was.
 19 Q. Okay.
 20 And you've already testified
 21 today that you think highly of Mr. Kerik,
 22 find him trustworthy and credible, is that
 23 right?
 24 A. I do.
 25 Q. And somebody who you believe

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1 Giuliani
 2 would be careful in representations that he
 3 would make to the White House Chief of
 4 Staff?
 5 A. I would think so.
 6 Q. And particularly given that you
 7 testified Mr. Kerik doesn't use email all
 8 that often?
 9 A. Yeah, he's very reliable.
 10 Q. An email sent to the White House
 11 Chief of Staff is one that goes into the
 12 White House archives, is that right?
 13 A. Um-hm.
 14 Q. And so in this email, Mr. Kerik
 15 has sent to Mr. Meadows on December 28,
 16 2020, can you see that there is an
 17 attachment on this email?
 18 It's in the header of the email.
 19 There is something that says "attachments"?
 20 A. I'm sorry, I don't see the
 21 attachment.
 22 Q. Okay. I'm just asking in the
 23 header of the email, there is a "From," a
 24 "Sent," a "To," a "Subject" and an
 25 "Attachments."

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1 Giuliani
 2 Do you see those?
 3 MR. COSTELLO: The fourth line
 4 down, fifth line down.
 5 A. One, two, three, four. Is that
 6 what all those numbers mean?
 7 I don't see attachment --
 8 external --
 9 MR. COSTELLO: No, two more lines
 10 underneath that.
 11 A. Giuliani Team Strategic --
 12 MR. COSTELLO: That's the
 13 attachment.
 14 A. Are you saying he attached this
 15 to this?
 16 Q. Yes.
 17 And I'm just saying the subject
 18 line and the attachments line here say the
 19 same thing, right? "Giuliani Team
 20 Strategic Communications Plan Version 1"?
 21 A. Got it.
 22 Q. Do you see how in the title of
 23 the attachment, or the title of Exhibit 22,
 24 is the strategic communications plan, a
 25 version of which we looked at in

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1 Giuliani
 2 Exhibit 19, is that right?
 3 A. Yes, sir.
 4 Q. Do you see Mr. Kerik has written
 5 to Mr. Meadows saying, "Dear Mark, I know
 6 the Mayor sent this to you last evening but
 7 just wanted to emphasize the importance of
 8 timing"?
 9 A. I do.
 10 Q. Was Mr. Kerik, safe to say,
 11 referring to you when he refers to the
 12 "Mayor"?
 13 A. Um-hm.
 14 Q. So he is saying, at least, that
 15 you sent this to Mr. Meadows last evening,
 16 which would have been December 27?
 17 A. Yeah. But he was wrong.
 18 My communication on this mostly
 19 was with Katherine Friess, and it may be
 20 that this is too ships passing in the
 21 night, but Bernie -- Bernie may have
 22 assumed that I did, but he certainly didn't
 23 know that I did.
 24 And we have talked about it since
 25 then, so...

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1 Giuliani
 2 Q. And so in talking about it since
 3 then --
 4 A. He -- he knows that I remained
 5 opposed to it.
 6 I've been opposed to it
 7 throughout. And the question at the very
 8 end was, would we take a chance in doing
 9 it? And I decided no.
 10 I guess he wasn't there when I
 11 did.
 12 Q. Right. So -- I'm sorry,
 13 Mr. Giuliani.
 14 A. I think this is a matter of
 15 confusion rather than what you might make
 16 of it, which is that he was misrepresenting
 17 my position.
 18 Q. And I think you've made very
 19 clear in your January 6 testimony and here
 20 today that you were opposed to this
 21 strategic communications plan.
 22 A. Right.
 23 Q. So that's not really my question.
 24 My question is, you were -- you
 25 have testified that Mr. Kerik was wrong

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1 Giuliani
 2 that you sent this plan along to the White
 3 House or to Mr. Meadows?
 4 A. Correct. I didn't -- I didn't --
 5 I certainly didn't send it.
 6 Now -- and Bernie wouldn't have
 7 been the one to do it either. Would
 8 somebody else played a game with it and
 9 made it look like it was sent from my
 10 office? That's possible.
 11 But Mark knew my position on this
 12 independently. So he knew that I thought
 13 it wasn't worth spending the 5 to 8 million
 14 dollars.
 15 Q. I believe you testified before
 16 the January 6 Commission that you were
 17 aware that some members of the team or this
 18 communications firm wanted to make a
 19 presentation of this plan to the White
 20 House, is that right?
 21 A. Right. I let them do it.
 22 Q. And you let them do it, is that
 23 right?
 24 A. Yeah.
 25 Q. So you were aware ahead of time

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1 Giuliani
 2 that they would make the presentation, you
 3 were opposed to it, but you also didn't
 4 stand in the way of it being presented?
 5 A. 100 percent, and I knew it was
 6 going to happen, but sometimes people don't
 7 listen.
 8 Q. And you were 100 percent certain
 9 as you sit here today that you didn't send
 10 this along but say, for example, to
 11 Mr. Meadows, I'm opposed to this, but I'm
 12 sending it to you because these other
 13 people want to present it to the President?
 14 A. I don't -- I doubt it. I doubt
 15 it. I mean, it's always possible I
 16 forgot -- no, I don't think so.
 17 Q. Okay.
 18 Are you aware that the same day
 19 that Mr. Kerik sent this email to
 20 Mr. Meadows, he tweeted out some of the
 21 content of this document, the strategic
 22 communications plan?
 23 A. I don't -- I'm not sure if I am.
 24 It sounds kind of familiar but not -- no,
 25 I'm not aware of it, no.

<p style="text-align: right;">Page 262</p> <p>1 Giuliani</p> <p>2 Q. Let's mark Exhibit 23.</p> <p>3 MS. HOUGHTON-LARSEN: That's</p> <p>4 Tab 53 in Binder 2.</p> <p>5 (Exhibit 23, Tweets from Bernie</p> <p>6 Kerik, marked for identification, as of</p> <p>7 this date.)</p> <p>8 Q. So, Mayor Giuliani, I've handed</p> <p>9 you what has been marked as Exhibit 23.</p> <p>10 And this is a tweet -- the bottom part of</p> <p>11 the screen is -- of the exhibit on the</p> <p>12 first page is a tweet that Mr. Kerik has</p> <p>13 sent out, and if you flip to the next page,</p> <p>14 you can see the date and the time at the</p> <p>15 bottom of the content of the tweet, which</p> <p>16 is listed at --</p> <p>17 A. This looks like the summary page</p> <p>18 from their memo.</p> <p>19 Q. Just so we have a clear record,</p> <p>20 the time and date on the bottom of the</p> <p>21 tweet says 3:57 p.m. on December 28, 2020.</p> <p>22 Do you see that on the second</p> <p>23 page, sir?</p> <p>24 A. I do.</p> <p>25 Q. And if we take now Exhibit 22,</p>	<p style="text-align: right;">Page 264</p> <p>1 Giuliani</p> <p>2 Q. -- that were attached to the</p> <p>3 communications plan, is that right?</p> <p>4 A. Yeah.</p> <p>5 I guess the idea was, try to get</p> <p>6 this around to everybody. I guess.</p> <p>7 Q. You see in there references to</p> <p>8 Ruby and Shaye by name?</p> <p>9 A. I do.</p> <p>10 Q. And you see it says, "There is</p> <p>11 video of Ruby and Shaye at midnight. That</p> <p>12 is the time of the 200,000 vote bump"?</p> <p>13 A. I see that, yes.</p> <p>14 Q. And you see there is a bullet</p> <p>15 that says, "No water main break, a lie to</p> <p>16 get the Republican observers and media to</p> <p>17 leave at 10:30 p.m."?</p> <p>18 A. I see that.</p> <p>19 Q. Do you see -- these are the same</p> <p>20 bullet points that you see in the</p> <p>21 supporting documents to the strategic</p> <p>22 communications plan, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Did you discuss this tweet with</p> <p>25 Mr. Kerik?</p>
<p style="text-align: right;">Page 263</p> <p>1 Giuliani</p> <p>2 which is the version 1, Giuliani team</p> <p>3 strategic communications plan, and if we</p> <p>4 open it back up to the page that says</p> <p>5 "Georgia" on the top, which is --</p> <p>6 A. The same as that, right?</p> <p>7 Q. Well, that's what I wanted to ask</p> <p>8 you.</p> <p>9 A. It looks the same.</p> <p>10 Q. It looks like this is ten pages</p> <p>11 into that document. It looks like</p> <p>12 Mr. Kerik has tweeted out the content from</p> <p>13 the strategic communications plan on the</p> <p>14 same day as he sent it to Mr. Meadows, is</p> <p>15 that right?</p> <p>16 A. Well, actually, what he-- this is</p> <p>17 not so much the communications plan as it</p> <p>18 is the state of the case or of the evidence</p> <p>19 in Georgia according to them.</p> <p>20 I wouldn't say it's -- well, I</p> <p>21 guess it's part of the communications plan</p> <p>22 to put that out.</p> <p>23 Q. This was a page of the supporting</p> <p>24 documents --</p> <p>25 A. Yeah, yeah, yeah.</p>	<p style="text-align: right;">Page 265</p> <p>1 Giuliani</p> <p>2 A. I didn't.</p> <p>3 Q. Were you aware until this moment</p> <p>4 that he had sent this tweet?</p> <p>5 A. Pretty much, yeah. I mean, I</p> <p>6 don't remember -- I don't remember going</p> <p>7 over this before. Certainly not at the</p> <p>8 time.</p> <p>9 Q. Sorry, sir. My question was -- I</p> <p>10 asked a bad question. Let me try it again.</p> <p>11 Is this moment the first moment</p> <p>12 you have become aware of --</p> <p>13 A. I'm not sure if it's the first</p> <p>14 moment. The first might have been when we</p> <p>15 dealt with this with the January 6</p> <p>16 committee, that that was the first moment I</p> <p>17 became aware of it.</p> <p>18 Q. Mr. Kerik gave some testimony to</p> <p>19 the January 6 Commission in which he said</p> <p>20 that there were discussions around this</p> <p>21 plan going on for about six weeks.</p> <p>22 Are you familiar with him --</p> <p>23 well, let me just ask you, is that</p> <p>24 accurate?</p> <p>25 A. I can't say that it's not. I</p>

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1 Giuliani
 2 wasn't part of six weeks of discussions
 3 about this. But they could have.
 4 Q. Okay. Are you familiar with
 5 about how long or roughly how long the team
 6 of people who were interested in this plan
 7 were working on it?
 8 A. I would have thought more like
 9 three or four. But, again, that would be a
 10 bit of a guess.
 11 Q. Three or four weeks?
 12 A. It would come to me in conclusory
 13 form, not -- I mean, I don't know when they
 14 began debating it.
 15 Q. If you look six pages into the
 16 strategic communications plan, there's just
 17 one thing I want to ask you about.
 18 A. The plan?
 19 Q. Yes, sir.
 20 You will see at the bottom, I
 21 think it is page 6, again -- yup, it is the
 22 sixth page of the document.
 23 MR. COSTELLO: What's it say at
 24 the top?
 25 A. Okay.

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1 Giuliani
 2 Q. Well, I'm sorry, there is a Bates
 3 number on this page.
 4 A. "Over vote in Michigan by
 5 township"?
 6 Q. We have a Bates number. It ends
 7 in 006.
 8 A. So what's --
 9 Q. If you see on the upper left-hand
 10 corner, it will say "006" at the end.
 11 We actually had a page number on
 12 this one.
 13 A. Okay.
 14 Q. So you see they have referenced
 15 content, and they say, "Giuliani team voter
 16 fraud numbers, see supporting document
 17 below for detail."
 18 Do you see that?
 19 A. I do.
 20 Q. And we just talked about a
 21 document that says "supporting documents"
 22 on it?
 23 A. Uh-huh.
 24 Q. And then you see there is a list
 25 of key team members.

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1 Giuliani
 2 Do you see that there?
 3 A. Key team members, got it.
 4 Q. I'm wondering if you know who
 5 some of these initials reference.
 6 So it says, "Rudy Giuliani's
 7 strategic communications plan" --
 8 A. Bernie Kerik, Katherine Friess.
 9 Q. So "BK" is Bernie Kerik --
 10 A. Those were the two that were
 11 most, you know, in favor of this,
 12 particularly Katherine.
 13 Q. "PK" is Bernie Kerik. "KF" is
 14 Katherine Friess.
 15 Then it says, "Media advisors, SB
 16 and BE?"
 17 A. I assume they were part of the
 18 Serrano public relations team.
 19 Q. Do you know who those people are,
 20 SB and BE?
 21 A. No.
 22 Q. Then you see the Serrano public
 23 relations team.
 24 Who the Serrano public relations
 25 team?

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1 Giuliani
 2 A. It was the public relations team
 3 that wanted to do this for 5 to 8 million
 4 dollars.
 5 Q. And who runs the Serrano
 6 public --
 7 A. Mark Serrano.
 8 Q. Anybody else work with Mark
 9 Serrano?
 10 A. Not that I -- yes, but not that I
 11 would know.
 12 Q. No names you can remember?
 13 A. Right. I mean, I know them but I
 14 don't know them.
 15 Q. Okay. So Mark Serrano was the --
 16 and Serrano public relations was the firm
 17 that wanted --
 18 A. Yeah, I don't want to malign them
 19 or anything, but it just seemed to me that
 20 this was too little, too late.
 21 Without getting into the details
 22 of it, some of which are also wrong, but
 23 you didn't have to get to that. This is
 24 too little, too late.
 25 Q. Did you tell Mr. Kerik that at

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1 Giuliani
 2 the time, by the way?
 3 A. I probably told that more to
 4 Katherine because Bernie -- Bernie was
 5 really doing more important things than
 6 this at the time. My communications would
 7 have been more with Katherine about this.
 8 I didn't really Peter Navarro's
 9 team was involved in this. We worked very
 10 closely with Peter's team, and I never
 11 discussed this with Peter. So I don't know
 12 if they weren't being bootstrapped, too.
 13 Q. And research team references "CR"
 14 and "SP."
 15 Do you know who those people are?
 16 A. Like in many organizations, there
 17 was a split in my organization between this
 18 group with Katherine and her people and
 19 then the group with Jenna Ellis and
 20 Christina Bobb and they had two different
 21 ways of looking at things.
 22 And they didn't basically -- and
 23 I was sort of in the middle of it. They
 24 didn't communicate that well with each
 25 other.

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1 Giuliani
 2 Q. So you don't know who "CR" and is
 3 "SP" refers to?
 4 A. But I do know -- what I can tell
 5 you very interesting, and that's why I
 6 mentioned it, that none of these people are
 7 really from the rest of our team. This is
 8 a whole new team they are trying to create.
 9 Q. How did you communicate at this
 10 time with Ms. Friess, by the way?
 11 A. We were staying in the same
 12 hotel. She was at -- she was with me eight
 13 hours a day, seven hours a day, six hours a
 14 day, five, depending on where she was off
 15 to without -- that would be true of all of
 16 them. We sort of all stayed in the hotel
 17 and we met together -- we met together
 18 every day.
 19 It was called a "war room"
 20 because they tried to -- they tried to
 21 suggest that we had something to do with
 22 the January 6, whatever, speech and rally,
 23 and what our war room was about was
 24 gathering evidence of voter fraud so that
 25 the legislatures could develop a vote on

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1 Giuliani
 2 whether the election was -- election
 3 results were accurate.
 4 Because we thought our best last
 5 chance was -- the one thing that you could
 6 certainly say in these states, whether you
 7 could say Trump won or not, that the vote
 8 was inaccurate. And we wanted to see if we
 9 could get that -- that was our major --
 10 that was our major function. That was the
 11 major function that Mark had for us. It
 12 wasn't that everybody on the team agreed
 13 with that.
 14 Q. Just asking --
 15 A. That's what I agreed with.
 16 Q. Fair enough.
 17 There is a reference there to
 18 "influencer outreach by TF."
 19 Do you know who that is, "TF"?
 20 A. Where is that? I'm sorry.
 21 Q. Influencer outreach, TF?
 22 A. No, this is why -- this tells me
 23 this was somewhat removed -- these -- I
 24 mean, you should expect to see "CB" for
 25 Christina Bobb or "CA" for Christianné

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1 Giuliani
 2 Allen or "BE" for Boris Epshteyn -- oh,
 3 there you go, BE. Maybe Boris was
 4 involved. I doubt it.
 5 Q. Do you know whether Cleta
 6 Mitchell had any involvement with this
 7 plan?
 8 A. I don't.
 9 Cleta and -- Cleta and Katherine
 10 were close but Cleta was also close to the
 11 other people on my team. She was the
 12 source of a lot of information.
 13 Q. I'm going to ask you the same
 14 questions.
 15 Do you know if Christina Bobb was
 16 involved in this?
 17 A. With this effort?
 18 Q. Yeah.
 19 A. No. She would have been very
 20 much opposed to it.
 21 Q. Jenna Ellis?
 22 A. Same thing.
 23 Q. Very much opposed?
 24 A. Yes.
 25 Q. Maria Ryan?

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1 Giuliani
 2 A. Probably opposed but more
 3 neutral.
 4 Q. What was Christianné Allen's
 5 role?
 6 A. Christianné Allen?
 7 Q. Yeah.
 8 A. She was one of my advisors. She
 9 was the chief of staff of my company before
 10 I -- before I joined Trump, and so she came
 11 in to help run things.
 12 Q. And she was working on
 13 election-related issues with you?
 14 A. Correct.
 15 Although at the time we are
 16 talking about, she had Covid. This period
 17 right here, she would not be -- you
 18 wouldn't see her name in a lot of this
 19 stuff because she had Covid. She had a
 20 pretty bad case for about two-and-a-half
 21 weeks.
 22 Q. One more thing I want to show
 23 you. I'll just ask you a question about.
 24 If you flip ahead back to the
 25 supporting documents, and the Georgia page

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1 Giuliani
 2 that ends in 009 at the top left-hand
 3 corner --
 4 A. Interesting, we just found these,
 5 you know. Here we spent that whole time.
 6 Such smart lawyers.
 7 Q. And I want to --
 8 A. Nobody here has a sense of humor.
 9 Q. So --
 10 A. I can't go this long without
 11 jokes.
 12 Q. Mr. Giuliani, if you can find
 13 Exhibit 15?
 14 A. What?
 15 Q. If you can find Exhibit 15 in
 16 your stack there? We're going to keep out
 17 the current document you're looking at,
 18 which is Exhibit 22, and I want you to pull
 19 out Exhibit 15.
 20 A. Is that kind of a test because of
 21 my age?
 22 Q. No, sir. Absolutely not.
 23 MR. COSTELLO: Which one is 15?
 24 MS. HOUGHTON-LARSEN: 15 is
 25 Tab 55, which is volume 2.

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1 Giuliani
 2 A. What am I looking for?
 3 Q. 15.
 4 A. Here. I got it.
 5 Q. So we previously marked
 6 Exhibit 15, which a transcript of one of
 7 your -- episode 93 of Common Sense, which
 8 was on December 30, 2020 --
 9 MR. COSTELLO: 98. You said 93.
 10 Q. Episode 98.
 11 MR. GOTTLIEB: You are correct,
 12 sir. Thank you for correcting me.
 13 Q. If you could turn to page 10 of
 14 that transcript.
 15 A. Page 10?
 16 Q. Yes, sir.
 17 A. Page 10.
 18 Q. Here is what I would like you to
 19 do, and I assure you this is not a test.
 20 A. Okay. I thought it was a
 21 cognitive test, could be age
 22 discrimination.
 23 Q. No, sir. I would like you to
 24 keep Exhibit 15, page 10 out, and I would
 25 like you to have next to it Exhibit 22 with

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1 Giuliani
 2 00 -- with 009.
 3 Now, you've got Exhibit 22
 4 sitting right in front of you, sir.
 5 A. Oh, it's the one with 009.
 6 Q. That's why I asked you to keep it
 7 out.
 8 So just have them sitting side by
 9 side there.
 10 And I guess what I want to ask
 11 you, sir, is if you see, starting at line 3
 12 there, in the transcript --
 13 A. On 009?
 14 MR. COSTELLO: No, the other one.
 15 Q. On Exhibit 15 --
 16 A. Got it.
 17 Q. -- you start with "2,560 felons
 18 with uncomplete sentences were registered
 19 to vote."
 20 Do you see that?
 21 A. I do see that, right.
 22 Q. Do you see, now looking over at
 23 page 009 of the strategic plan, the same
 24 words, "2,560 felons" --
 25 A. Right.

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1 Giuliani
 2 Q. -- "with uncomplete sentences
 3 registered to vote"?

4 And I acknowledge there are
 5 differences between the two of these, but
 6 I'm trying to identify the similarities.
 7 If you move down to line 8 on
 8 page 10 of the transcript, you see
 9 66,200 --

10 A. Underaged, yup, I see that.
 11 Q. Do you see that same language in
 12 the strategic plan?

13 A. I've got it.
 14 Q. And then if you go down to "2,423
 15 unregistered people voted" on line 11 of
 16 the transcript, do you see that line in the
 17 strategic plan, page 009?

18 A. I do.
 19 Q. And am I right that these aren't
 20 just the same statistics, these are the
 21 same words that are --

22 A. Yeah, this was probably -- so
 23 what you are looking at here with Georgia,
 24 this is a sheet that was kept up to date
 25 every week or two weeks as we gathered new

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1 Giuliani
 2 evidence or changed evidence with regard to
 3 states. It was a summary sheet.
 4 Q. Okay.
 5 A. And everybody would rely on it.
 6 This would be the same summary
 7 sheet that Peter Navarro had. I'm pretty
 8 sure we sent this to the White House. They
 9 would keep them.
 10 So when I went to do my podcast,
 11 I probably just picked this up. Not this,
 12 (indicating), this (indicating.)
 13 Q. So we have a clear record here,
 14 not the strategic --

15 A. So we have a clear record, I
 16 didn't pick up the strategic communication
 17 plan --

18 MR. COSTELLO: Exhibit what?
 19 A. -- but I picked up -- Exhibit 22.
 20 But I probably picked up the enclosure in
 21 there for Georgia, which is separate from
 22 the plan and was available to everybody on
 23 the Mayor's -- on the President's team.
 24 Q. Great.
 25 A. That was a joint enterprise of

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1 Giuliani
 2 Navarro and my office.
 3 Q. So that part of the document, not
 4 the plan, but the --

5 A. Correct.
 6 Q. -- supporting documents --
 7 A. And so when Katherine did her
 8 plan, that's what she used so that
 9 everybody -- it would be something
 10 everybody agreed on.
 11 Q. And all I'm trying to get at is,
 12 the supporting documents part of this is a
 13 document that you and your team were
 14 working on and updating --

15 A. Correct.
 16 Q. -- and sending around, I think
 17 you said, Mr. Navarro's team --

18 A. Correct.
 19 Q. -- and the White House, is that
 20 right?

21 A. Um-hm.
 22 Q. And so that is a document that
 23 you were relying on in doing your podcasts
 24 and in other advocacy you were doing
 25 publicly at the time?

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1 Giuliani
 2 MR. COSTELLO: Was that a
 3 question? Because he didn't answer.
 4 A. What was it? I'm sorry. I'm not
 5 hearing this.
 6 Q. This is a document you were
 7 relying on as you were doing your podcast
 8 and other public advocacy at the time?

9 A. The Georgia breakdown.
 10 Q. The Georgia breakdown --
 11 A. Correct, the Georgia breakdown --
 12 Q. -- and supporting documents?
 13 A. -- which is independent, really,
 14 of the document it was appended to. It's a
 15 separate document that was kept up to date
 16 every couple of weeks and was available to
 17 everybody on the team.
 18 Q. Okay. Great.
 19 I want to ask you about a
 20 telephone call that President Trump had
 21 with Georgia Secretary of State
 22 Raffensperger on January 2, 2021.
 23 This is a telephone call that's
 24 been much talked about in the press and
 25 discussed. I assume you were familiar in

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