

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Civil Action No. 21-3754 (BAH)

Judge Beryl A. Howell

FINAL CONSENT JUDGMENT AND PERMANENT INJUNCTION

On December 18, 2023, three days after a unanimous jury awarded plaintiffs Ruby Freeman and Wandrea' ArShaye "Shaye" Moss, in their first complaint against defendant Rudolph W. Giuliani ("*Freeman I*"), a total of \$148,169,000.00, in compensatory and punitive damages for defamation and intentional infliction of emotional distress inflicted by Giuliani, and the same day Final Judgment was entered in *Freeman I*, plaintiffs filed the instant action against Giuliani seeking to permanently enjoin him from "continu[ing] to spread the very same lies for which he has already been held liable in the *Freeman I* action." Compl. ¶¶ 3, 6, ECF No. 1; *see Freeman v. Giuliani*, No. 21-cv-3354 (BAH), 2023 WL 9783148 (D.D.C. Dec. 18, 2023) ("*Freeman I*, Final Judgment"); Verdict Form, *id.*, ECF No. 135 (awarding \$16,171,000 to Freeman and \$16,998,000 to Moss as compensatory damages for defamation; \$20,000,000 to each plaintiff as compensatory damages for emotional distress; and \$75,000,000 total to both plaintiffs, as punitive damages).¹

¹ The Final Judgment in *Freeman I* adopted the parties' Joint Stipulation Regarding Final Judgment, in which the parties agreed to reduce the damages award to \$145,969,000, plus post-judgment interest and costs, and ordered Giuliani to reimburse plaintiffs, in addition to the damages award, a total of \$237,113 in accumulated attorney's fees in connection with plaintiffs' three successful discovery motions, which had remained unpaid as Giuliani failed to comply with the orders, for a total judgment against Giuliani in the amount of \$146,206,113, plus

Plaintiffs filed the instant action due to Giuliani’s continued engagement in a “course of repetitive defamatory statements” about plaintiffs, including during and following the trial on damages in *Freeman I*, Compl. ¶¶ 1, 13–16, which trial determined the amount of compensatory and punitive damages to be awarded plaintiffs following this Court’s entry of default judgment against Giuliani on liability as a sanction for his “egregious discovery violations,” *Freeman v. Giuliani*, No. 21-cv-3354 (BAH), 2024 WL 1616675, at *9 (D.D.C. Apr. 15, 2024) (“*Freeman I*, Renewed Directed Verdict and New Trial Denial Order”). Giuliani, undeterred by the final judgment of \$146,206,113 imposed on him for defamation, intentional infliction of emotional distress, and civil conspiracy to commit those torts, continued to publish false “statements” and “refus[ed] to agree to refrain from continuing to make such statements, mak[ing] clear that he intend[ed] to persist in his campaign of targeted defamation and harassment.” Compl. ¶ 6.

Plaintiffs accordingly initiated the instant, second, action against Giuliani (“*Freeman II*”), alleging, as in *Freeman I*, defamation/defamation *per se* and intentional infliction of emotional distress, *see* Compl. ¶¶ 17–30, and seeking to enjoin Giuliani “from making or publishing, or causing to be made or published, further statements repeating any and all false claims that Plaintiffs engaged in election fraud . . . during or related to the 2020 presidential election; that either Plaintiff was arrested for any such fraud, illegal activity, or misconduct; and/or that either Plaintiff had any record of engaging in election fraud or related illegal activity or misconduct prior to the 2020 presidential election,” together with attorney’s fees and costs, and “[s]uch other and further relief as this Court deems just and proper,” *id.* ¶ Prayer for Relief.

post-judgment interest. *See* Renewed Directed Verdict and New Trial Denial Order, 2024 WL 1616675, at *1 n.1 (citations omitted).

Though plaintiffs seek only injunctive relief in this action, *see id.*, proceedings nevertheless remained—for more than five months—subject to the automatic stay triggered by Giuliani’s filing of a Chapter 11 bankruptcy petition in the Southern District of New York on December 21, 2023. *See* Chapter 11 Pet., *In re Rudolph W. Giuliani*, No. 23-12055 (SHL), ECF No. 1 (Bankr. S.D.N.Y. Dec. 21, 2023); Notice of Order Modifying Automatic Stay (“Notice”), Ex. A, Stip. and Agreed Order Modifying Automatic Stay to Allow for Entry and Enforcement of Permanent Injunction, ECF No. 13-1 (“Lift Stay Order”). Giuliani’s Chapter 11 filing automatically halted all proceedings in this case, including plaintiffs’ right to pursue relief from Giuliani’s continued publication of false statements, “even though such statements had ‘been found and held, conclusively, to be defamatory.’” *Freeman I*, Renewed Directed Verdict and New Trial Denial Order, 2024 WL 1616675, at *5 n.6 (quoting Compl. ¶ 6). Giuliani remains a debtor in a Chapter 11 case captioned *In re Rudolph W. Giuliani*, No. 23-12055 (SHL) (the “Giuliani Bankruptcy”) currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), and plaintiffs are creditors in the Giuliani Bankruptcy. *See* Lift Stay Order at 1.

Not until yesterday, May 21, 2024, pursuant to the parties’ stipulation, did the Bankruptcy Court enter an order modifying the automatic stay to permit: (1) the parties to notify this Court of the Bankruptcy Court’s Lift Stay Order and file their Joint Stipulation and proposed Final Consent Judgment; (2) this Court to enter the parties’ Joint Stipulation and proposed Final Consent Judgment; and (3) “Plaintiffs, the Committee [of Unsecured Creditors], and the District Court to take any steps necessary to enforce the Permanent Injunction.” Lift Stay Order at 1–6. That same day, with the automatic stay lifted, the parties filed in this Court a Joint Stipulation and Consent to Entry of Final Judgment “resolving this action,” and a Notice, “request[ing] that

the Court enter the Proposed Final Consent Judgment and Permanent Injunction without delay.” Notice at 1–2, ECF No. 13; *see* Jt. Stip. & Consent to Entry of Final Judgment (“Jt. Stip.”), ECF No. 14; Proposed Final Consent Judgment and Permanent Injunction (“Proposed Final Consent Judgment”), ECF No. 14-2. This Joint Stipulation, setting forth the parties’ agreement “to resolve this action through a Proposed Final Consent Judgment and Permanent Injunction,” Notice at 2, forms part of the parties’ agreed-upon resolution of the adversary proceeding against Giuliani that plaintiffs had commenced in the Bankruptcy Court on May 10, 2024, seeking, as here, “injunctive relief to restrain [Giuliani] from continuing to repeat the defamatory statements for which he had been held liable in” *Freeman I*, *id.* at 1; *see* Jt. Stip., Ex. A, Bankruptcy Court Adversary Proceeding Complaint (“Adversary Complaint”), ECF No. 14-1.

As set forth in the Joint Stipulation jointly executed by both parties, Giuliani—having “had an opportunity to consult with counsel” and having “obtained the advice of counsel”—“consents to entry of final judgment and permanent injunctive relief in favor of Plaintiffs,” “voluntarily, knowingly, and irrevocably waives any right of appeal from entry of the Proposed Consent Judgment,” as well as “any challenge to the validity of the Proposed Consent Judgment,” and agrees that the complaint in the instant action “shall be deemed amended to include all of the allegations in the Adversary Complaint.” Jt. Stip. at 2–3. The parties’ Proposed Final Consent Judgment and Permanent Injunction provides for the permanent enjoining of Giuliani from “publishing, causing others to publish, and/or assisting in others’ publication of (a) any statements that suggest that Plaintiffs . . . engaged in wrong-doing in connection with the 2020 presidential election, or (b) any of the Actionable Statements adjudged false and defamatory” in *Freeman I*, as enumerated in the Proposed Final Consent Judgment, “or any other statements conveying the same defamatory meaning,” and provides that this “Court

retains jurisdiction to enforce this Final Consent Judgment and Permanent Injunction.” Proposed Final Consent Judgment at 2–9.

Upon consideration of the parties’ Joint Stipulation and Consent to Entry of Final Judgment, ECF No. 14, and the Notice “request[ing] that the Court promptly effectuate that agreement by entering the Parties’ Proposed Final Consent Judgment and Permanent Injunction,” Notice at 1, ECF No. 13, it is hereby:

ADJUDGED AND DECREED that this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 and venue is proper in this District under 28 U.S.C. § 1391(b)(2); it is further

ORDERED that final judgment is entered in favor of Plaintiffs Ruby Freeman and Wandrea’ ArShaye “Shaye” Moss, and against Defendant Rudolph W. Giuliani; it is further

ORDERED that Defendant Rudolph W. Giuliani is **PERMANENTLY ENJOINED** from publishing, causing others to publish, and/or assisting in others’ publication of (a) any statements that suggest that Plaintiffs, whether mentioned directly, indirectly, or by implication, engaged in wrong-doing in connection with the 2020 presidential election, or (b) any of the Actionable Statements adjudged false and defamatory in *Freeman I*, or any other statements conveying the same defamatory meaning. For purposes of this Final Consent Judgment and Permanent Injunction, those “Actionable Statements” shall be defined to mean the statements set forth in Appendix A, *infra*, which are taken from the Joint Pretrial Submission filed in *Freeman I*, see Jt. Pretrial Submission, *Freeman v. Giuliani*, No. 21-cv-3354 (BAH), ECF No. 105, at 14–19 (D.D.C. Nov. 14, 2023); and it is further

ORDERED that this Court retains jurisdiction to enforce this Final Consent Judgment and Permanent Injunction.

SO ORDERED.

Date: May 22, 2024

 

BERYL A. HOWELL
United States District Judge

APPENDIX A: ACTIONABLE STATEMENTS

SOURCE: Giuliani Presidential Legal Defense Team, Strategic Communications Plan (Dec. 27, 2020), https://perma.cc/VP2S-CJMR (on or after December 23, 2020)
“Fulton County, GA, video of suitcases of fraudulent ballots.”
“Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility.”
“Video of Ruby and Shay [sic] at midnight . . . That is the time of the 200,000 vote bump . . . No Watermain Break – a lie to get the Republican observers and media to leave at 10:30pm.”
“‘Suitcase Gate’ - Video of ‘ballot stuffing’ when ‘suitcases’ (container type) filled with ballots (approximately 6,000 in each container) were rolled out from under table at GA arena and placed in tabulation machines (one batch repeatedly tabulated at least 3 times) by [X number] of poll workers who remained AFTER all Poll Watchers (GOP and the like), press and all third parties were required to leave the premises per announcement at or about [AM] until [AM] in violation of election laws enacted by GA state legislature.”
“Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud [<i>need confirmation of arrest and evidence</i>].”
SOURCE: Rudy Giuliani, <i>Christmas Is Not Canceled, It's Vital This Year</i> Rudy Giuliani Ep. 96, RudyGiulianics.com (Dec. 23, 2020), https://perma.cc/FY6G-EEJD.
“There’s a video recording in Fulton County, Georgia, of what is obviously, without any doubt, the theft of votes. You have to be a naive child or a completely dishonest partisan not to realize that the observers are being thrown out of the room. A phony excuse of a water main break was used. They still were thrown out of the room, didn’t want to leave. Once they were all left and a last check was done around the hall, the workers for Atlanta—for Fulton County—the five or six, one of whom has a history of voter fraud participation, Ruby Freeman, uh, they scurry under these desks. Hardly where you would keep ballots, right? And they start taking ballots out and then put them on a wheelbarrow sort of thing and wheel them around. And you can see the ballots don’t really look like, like absentee ballots that are in envelopes; they look more like pristine pieces of paper. And then they’re given out and very quickly are being counted, counted, counted, counted, there are times in which it appears that they were being counted more than one time—three, four, five, six, seven times, eight times. . . . [I]t’s quite clear no matter who they’re doing it for, they’re cheating. It looks like a bank heist.”

“Live from Fulton County, let’s watch the Democrats steal the election! And there you see it. Ruby Freeman and her crew getting everybody out of the center, creating a false story that there was a—that there was a water main break. No water main break. They get everybody out. They wait, they wait, they wait. They check, they check, they check, like they’re gonna do a heist, and all of a sudden the crooks sprang into action. They go under a desk covered like a casket, and they start pulling ballots out. Tremendous numbers of ballots. And they bring them over to one counting stand, all the way over here, another counting stand, another—and they keep looking around to make sure there’s nobody in the room! . . . Every once in a while, you look closely, you can them doing this—one ballot [gestures scanning a ballot multiple times]. You know what that does? That takes Biden and multiplies it by 5.”

“[J]ust look at the tape. That accounts for anywhere from 40 to 80,000 votes. The number then when we look at it on, was like 138,000 for Biden and 2,000 for Trump. Take those out of their numbers— Trump won Georgia honestly. We want honest votes here.”

SOURCE: OAN, *EXCLUSIVE: OAN’s Chanel Rion talks election fight with Rudy Giuliani*, OAN (Dec. 30, 2020), <https://rumble.com/vcahxx-exclusive-oans-chanel-rion-talks-election-fight-with-rudy-giuliani.html>.

“There are five or six states that can make the difference here and that have the evidence already have the evidence that shows that the Biden people stole the election, and not only that, they have the evidence that shows that Trump actually had more votes. Georgia is maybe the easiest to demonstrate because it’s on video. During that videotape, that we can all see right in front of our eyes, we can see them stealing the votes. We can see them throwing out the people. We can see them counting it four and five times. We also have the statistics during that period of time, 120,000 votes for Biden, couple hundred votes for Trump, no observers, makes it totally illegal. That alone changes the election. That alone means that if you get rid of those illegal votes, Trump wins Georgia by 40 or 50 thousand votes. . . . Georgia has the one video tape, I consider it like the Zapruder film was to the Kennedy assassination, this film will live for a hundred years. For a hundred years, this film will show that the, the 2020 presidential election, there was an attempt to steal it.”

“I’ve heard Democratic senators get on television and say it’s espionage to say that it was fraud. You’re not gonna tell me that. I see, I can see the fraud, it’s in front of my eyes. What am I supposed to do, close my eyes and make believe that in Fulton County, Georgia, when they closed the doors, and they got rid of the public, and they started triple counting ballots and it ends up being 120,000 for, for Biden and 3,000 for Trump? They weren’t cheating? Am I stupid?”

SOURCE: Rudy W. Giuliani, *I Can't Say This on National Television* | Rudy Giuliani | Ep. 98, YouTube (Dec. 30, 2020), <https://web.archive.org/web/20210223225629/https://www.youtube.com/watch?v=7vRckA6PqGA>.

“[T]he Fulton County vote counting [videotape], which in and of itself proves that Georgia was stolen by, uh, Joe Biden and by the Democrats. That one video proves it.”

“[T]he first thing that the election workers do . . . is they, um, move out the observers. . . . [T]hey make sure there’s no one around, they make sure the doors are locked so nobody else can come in, and then at a certain point they look around again, and they go under a table covered by a black, like a black blanket, and they start pulling out ballots. Now we begin with, why are ballots under a table? And then they start distributing those ballots for counting to three or four different areas where there are counting machines. And you can see it’s done very hurriedly; it’s done in a way suggesting that they are nervous about what they’re doing, and by the way, even if these ballots were legitimate ballots, which I doubt they are, this would be entirely illegal. And every one of those ballots would be declared null and void because each one of these ballots is being counted in violation of the law of Georgia that in fact there must be the public present when ballots are being counted [I]t looks an awful lot like a bank heist, doesn’t it?”

SOURCE: OAN, 1/18/2021 - Rudy Giuliani, Rep. Marjorie Taylor Greene, Brandon Tatum, Anna Paulina Luna & Peter Roff, Spotify (Jan. 19, 2021), <https://perma.cc/HZ6F-WQ5Z>.

“I get banned from any of the big tech things when I say that not only was there voter fraud, I have evidence of it, I’ve seen it, I have a motion picture of it. I can show you the voter fraud in living color. It was done in Fulton County, Georgia, it was well over 30,000 ballots were stolen. They were attributed to Biden instead of Trump. Had they been caught and held to account for it, Trump would have won Georgia.”

SOURCE: OAN, *The Real Story - OAN Uncovering the Crime of the Century with Rudy Giuliani*, Rumble (June 14, 2021), <https://perma.cc/6KZB-EBT3>.

“They deliberately threw people out and counted the ballots in private, and there’s videotape of it. That wasn’t enough. I don’t know what you’ve got to do to prove it. They committed the crimes on video. You can see them do it. They lied about it. Then you can see these same people handing off flash drives to each other.”

“I mean, the explanation for that videotape is absurd because you can see them—you can see them throw the people out. And the law specifically says you can’t count in private, so they threw the people out. They used this phony excuse that there was going to be some kind of a water main break. It was not. There was no water main break, and then after the people were out—and you can just watch the way they’re doing it. I mean, I’ve watched bank robberies. I mean, this, this looked like a bank robbery. They were doing it surreptitiously. And, uh, handing ’em off, and doing it quickly, and occasionally you can see them multiple count a vote. Now you take the two women who ran that, there are other tapes of them earlier in the day, handing off—handing off small, hard drives and flash drives, those flash drives were used to put in the machines—the machines that supposedly weren’t, uh, accessible by internet, all of which were accessible by internet. So these women have gotten away scot-free.”

“No one’s even questioned them. I mean, you have to look at that videotape and say, at least there should be an investigation, and they should be put under oath as to what they were doing. . . . Republicans, Democrats, reporters, and everyone else. You see them unceremoniously ushered out. And then you see the woman check out the whole place to make sure there’s nobody there and that’s when they get the ballots from under the table, and that’s when they start counting the ballots under the table.”

SOURCE: *The Real Story – Exposing Disinformation with Rudy Giuliani*, Rumble (July 23, 2021), <https://perma.cc/EC3V-TGDH>.

“How about the videotape that I have where they’re shoving the thing into the machine three and four times so they can be recounted by the same two women that earlier in the day were passing around hard drives or flash drives that supposedly can’t be used in Dominion machines, but can.”

SOURCE: OAN, *The Real Story - OAN Pennsylvania Shenanigans with Rudy Giuliani*, Rumble (Dec. 11, 2021), <https://perma.cc/NJE9-BYGY>.

“The situation in Georgia, uh, that videotape is about as clear evidence of stealing votes as I’ve ever seen. And it was mischaracterized by the Secretary of State, the crooked Governor Kemp, uh, the Democrats—I mean, they’re all in league together. . . . In any event, you’ve got a tape in, in, in Georgia that’s crystal clear, it looks like a, it looks like a bank robbery, my goodness.” Am. Compl. ¶ 96.

SOURCE: Rudy Giuliani’s Common Sense, *Listen to What John Solomon Found Out About the Presidential Election!* | Rudy Giuliani | Ep. 204, Rumble (Jan. 12, 2022), <https://perma.cc/9HRD-2SGN>.

“So you remember, remember the, the very famous video of the whole day of the, there was a, uh, the arena had a, had a, had a security camera that was unknown to the participants. So several days, if not weeks, after the election the, the, uh, company came forward with tapes of this very suspicious activity where the people were thrown out of the arena, the observers. All the doors were locked—.”

SOURCE: Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 10:02 AM), <https://twitter.com/TeamTrump/status/1341760977470062597>.

While the State Farm Arena Video is displayed on screen, a voiceover states: “Ballots miraculously appeared, Biden Ballots added in the middle of the night.”

SOURCE: Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 2:18 PM), <https://twitter.com/TeamTrump/status/1341825401371430913>

While the State Farm Arena Video is displayed, a voiceover states: “Election observers in Georgia thought they were done counting for the night. But when they went home, security footage shows poll workers pulling out trunks containing ballots from overwhelmingly Democrat precincts. The media won’t admit it, but it’s on video.”

SOURCE: *Transcript: President Trump’s Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

“We had at least 18,000 that’s on tape – we had them counted very painstakingly – 18,000 voters having to do with Ruby Freeman. She’s a vote scammer, a professional vote scammer and hustler, Ruby Freeman.”

“[T]hey said very clearly and it’s been reported that they said there was a major water main break. Everybody fled the area. And then they came back – Ruby Freeman, her daughter, and a few people. There were no Republican poll watchers.”

“Late in the morning, they went – early in the morning, they went to the table with the black robe – the black shield and they pulled out the votes. Those votes were put there a number of hours before. The table was put there – I think it was – Brad, you would know. It was probably eight hours or seven hours before, and then it was stuffed with votes. They weren’t in an official voter box. They were in what looked to be suitcases or trunks – suitcases, but they weren’t in voter boxes.”

“But it had slow motion and it was magnified many times over, and the minimum it was was 18,000 ballots, all for Biden.”

“[W]e’re so far ahead of these numbers, even the phony ballots of Ruby Freeman – known scammer.”

“That was – the minimum number is 18,000 for Ruby, but they think it’s probably about 56,000. But the minimum number is 18,000 on the Ruby Freeman night where she ran back in there when everybody was gone and stuffed – she stuffed the ballot boxes. Let’s face it, Brad. I mean, they did it in slow-motion replay magnified, right? She stuffed the ballot boxes. They were stuffed like nobody’s ever seen them stuffed before.”

“She stuffed the ballot – each ballot went three times. They were showing here’s ballot number one, here it is a second, third time, next ballot.”

“We have a new tape that we’re going to release. It’s devastating. And by the way, that one event, that one event is much more than the 11,000 votes that we’re talking about. It’s, you know, that one event was a disaster. And it’s just, you know, but it was, it was something, it can’t be disputed. And again, we have a version that you haven’t seen, but it’s magnified. It’s magnified, and you can see everything. For some reason, they put it in three times, each ballot, and I don’t know why. I don’t know why three times. Why not five times, right?”

“[W]hy did they put the votes in three times? You know, they put them in three times.”

“And the minimum – there were 18,000 ballots but they used them three times. So that’s, you know, a lot of votes. And that one event – and they were all to Biden, by the way; that’s the other thing we didn’t say. You know, Ruby Freeman, one thing I forgot to say which was the most important. Do you know that every single ballot she did went to Biden? You know that, right? Do you know that, by the way, Brad? Every single ballot that she did through the machines at early – early in the morning went to Biden. Did you know that, Ryan?”

“No, they were 100 percent for Biden. One hundred percent. There wasn’t a Trump vote in the whole group.”

“We’re way over that number, and just if you took just Ruby Freeman we’re over that number by five or six times when you multiply it out times three, and every single ballot went to Biden.”

SOURCE: Brian Naylor, Read Trump's Jan. 6 Speech, a Key Part of Impeachment Trial, NPR (Feb. 10, 2021), <https://perma.cc/ECA7-UE86>.

"Then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes. This act coincided with a mysterious vote dump of up to 100,000 votes for Joe Biden, almost none for Trump. Oh, that sounds fair. That was at 1:34 AM."