

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MEYERS DIVISION**

SMARTMATIC USA CORP., et al.,	)	CASE NO.
	)	
Petitioners,	)	<b>DECLARATION OF JAMES R. BEDELL</b>
	)	<b>IN SUPPORT OF SMARTMATIC'S</b>
vs.	)	<b>MOTION TO COMPEL COMPLIANCE</b>
	)	<b>WITH THIRD-PARTY SUBPOENA</b>
DENNIS MONTGOMERY,	)	
	)	
Respondent.	)	

I, James R. Bedell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Petitioners Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned dispute.

3. Attached as Exhibit A is a true and correct copy of Smartmatic's First Supplemental Complaint in the action *Smartmatic USA Corp., et al. v. Lindell, et al.*, Case No. 22-cv-0098-WMW-JFD, currently pending in the U.S. District Court for the District of Minnesota (the "Minnesota Litigation").

4. Attached as Exhibit B is a true and correct copy of a subpoena for documents and testimony Smartmatic served on Dennis Montgomery (the "Subpoena").

5. Attached as Exhibit C is a true and correct copy of Mr. Montgomery's responses and objections to the Subpoena, served March 27, 2023.

6. Attached as Exhibit D is a true and correct copy of a transcript of the documentary *Absolute Proof*.

7. Attached as Exhibit E is a true and correct copy of a March 9, 2023 email from Chris Kachouroff to me.

8. Attached as Exhibit F is a true and correct copy of an April 13, 2023 letter from me to Mr. Kachouroff.

9. During a phone conversation with Mr. Kachouroff on April 24, 2023, Mr. Kachouroff explained that he was in contact with someone from the U.S. Attorney's office in Minnesota.

10. Attached as Exhibit G is a true and correct copy of an April 26, 2023 letter from Andrew Luger, United States Attorney, to counsel for Mr. Montgomery. A copy of this letter was forwarded to me by Mr. Kachouroff on April 27, 2023.

11. Attached as Exhibit H is a true and correct copy of the Report and Recommendation filed on May 15, 2023 by United States Magistrate Judge Craig S. Denney in the case *Montgomery v. eTreppid Techs., LLC*, No. 3:06-cv-00056-MMD-CSD (D. Nev.)

12. I spoke over the phone with counsel for Mr. Montgomery three times between April 28, 2023 and May 9, 2023. Counsel represented that the vast majority of documents responsive to the Subpoena were covered by the state secrets privilege. I indicated that Smartmatic still had not received any documents, and that was improper because there were several categories of documents in the Subpoena that could not possibly fall under the scope of the state secrets privilege.

13. Attached as Exhibit I is a true and correct copy of a May 15, 2023 letter from Patrick McSweeney to me and Andrew Parker, counsel for Defendants in the Minnesota Litigation.

14. Attached as Exhibit J is a true and correct copy of a September 7, 2022 email from Nick Dressen to Todd Carter. This email was produced in the Minnesota Litigation bearing the Bates number DEF009556.

15. Attached as Exhibit K is a true and correct copy of a February 9, 2021 Email from Joe Flynn to Michael Lindell. This email was produced in the Minnesota Litigation bearing the Bates number DEF023750.

16. Attached as Exhibit L is a true and correct copy of a July 25, 2021 text exchange between Michael Lindell and Kim Rasmussen. This text exchange was produced in the Minnesota Litigation bearing the Bates number DEF084277.

17. Attached as Exhibit M is a true and correct copy of a March 27, 2023 letter from Chris Kachouroff to U.S. Attorney General Merrick Garland. A copy of this letter was forwarded to me by Mr. Kachouroff on March 27, 2023.

18. Attached as Exhibit N is a true and correct copy of the United States' Memorandum in Opposition to Dennis Montgomery's Motion Filed at ECF No. 1236, filed on December 5, 2022 in *Montgomery v. eTrepid Techs., LLC*, No. 3:06-cv-00056-MMD-CSD (D. Nev.).

19. Attached as Exhibit O is a true and correct copy of a January 16, 2021 email from Mary Fanning to Michael Lindell. This email was produced in *US Dominion, Inc., et al. v. My Pillow, Inc., et al.*, Case No. 1:21CV00445 (D.D.C.) bearing the Bates number ML-000966.

20. Attached as Exhibit P is a true and correct copy of an August 12, 2021 text exchange between Michael Lindell and Mary Fanning. This text exchange was produced in the Minnesota Litigation bearing the Bates number DEF035558.

21. Attached as Exhibit Q is a true and correct copy of the Declaration of Michael J. Lindell, filed on June 19, 2023 in *Smartmatic USA Corp. et al. v. Michael J. Lindell et al.*, Case No. 2:23-mc-03-SPC-KCD (M.D. Fla.).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Executed on June 27, 2023

James R. Bedell