

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

<p>MARK ANDREWS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DINESH D’SOUZA, TRUE THE VOTE, INC., CATHERINE ENGELBRECHT, GREGG PHILLIPS, D’SOUZA MEDIA LLC, SALEM MEDIA GROUP, INC., and JOHN DOES,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. _____</p> <p>JURY TRIAL DEMANDED</p> <p>COMPLAINT</p>
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Plaintiff Mark Andrews (“Plaintiff”), through his attorneys, brings this complaint against Defendants Dinesh D’Souza, D’Souza Media LLC, True the Vote, Inc., Catherine Engelbrecht, Gregg Phillips, Salem Media Group, Inc., and John Does (collectively “Defendants”).

INTRODUCTION

1. The lie that the 2020 election was stolen through mass voter fraud represents an existential threat to American democracy. In its most pernicious form, it takes aim at the very notion that, in this country, we peacefully settle our differences at the ballot box—as the unprecedented events of January 6, 2021, and

the related, ongoing threats of political violence have demonstrated. But beyond these injuries to our system of government, that lie has also inflicted immense harm on innocent Americans across the country, from election workers to ordinary voters, who have been baselessly accused of committing crimes to steal the 2020 election.

2. This lawsuit seeks accountability on behalf of one of those innocent Americans: Georgia voter Mark Andrews, whom Defendants falsely accused of ballot fraud in their multi-million dollar-grossing film, *2000 Mules*.

3. Defendants Dinesh D’Souza, D’Souza Media LLC, True the Vote, Inc., Catherine Engelbrecht, Gregg Phillips, Salem Media Group, Inc., and John Does are architects and amplifiers of a widely circulated and thoroughly debunked narrative about alleged ballot fraud in the 2020 election. Despite repeated confirmation from experts and officials before the release of Defendants’ 2022 film that there was no mass fraud in the 2020 presidential election, Defendants nonetheless conspired to create and promote the lie that shadowy forces paid so-called “mules” to transport and submit thousands of fake ballots in order to steal the election, with a focus on several states, including Georgia.

4. Combining junk pseudoscience and excerpted surveillance video of innocent voters, Defendants produced, distributed, and widely marketed *2000 Mules*, which they label a “documentary” proving their “mules” theory.

5. As purported evidence to support this theory, the film prominently features footage of voters depositing ballots in legal ballot drop boxes and baselessly identifies them as “mules” illegally “trafficking” ballots.

6. Plaintiff Andrews is among the voters that Defendants accuse of illegally depositing ballots into drop boxes. As Mr. Andrews appears on screen, during the film, Defendant D’Souza’s voiceover falsely states: “What you are seeing is a crime. These are fraudulent votes.” Defendants also feature Mr. Andrews in the trailer for the film.

7. In fact, the video of Mr. Andrews shows him *legally* dropping off ballots for himself and his family, a voting method expressly authorized by Georgia law. Indeed, a law enforcement investigation—commenced in response to a complaint inspired by Defendants’ false narrative—determined that he had committed no wrongdoing.

8. Undeterred by these findings, Defendants have continued to promote and amplify *2000 Mules* and the lie that Mr. Andrews was a “mule” engaged in voter fraud. Three days after Mr. Andrews’ public exoneration, Defendants

released their film in 415 theaters nationwide and ultimately made more than \$1.4 million from the box office alone.¹ Defendants also screened the film and distributed it online and via DVD sales, earning millions more.

9. Defendants promoted the film and their “mules” narrative on television, radio, online, and via other media—including in front of millions of *Fox News* viewers—and repeatedly showed images of Mr. Andrews as an exemplar “mule.”

10. At all times, Defendants knew that their portrayals of Mr. Andrews were lies, as was the entire narrative of *2000 Mules*. But they have continued to peddle these lies in order to enrich themselves. As of the filing of this lawsuit, Defendants’ social media accounts and website still promote the film using Mr. Andrews as an example of a criminal “mule.”

11. Defendants’ lies about Mr. Andrews have been deeply consequential for him and his family. Because of Defendants’ lies, millions of people have seen the images of Mr. Andrews as the proverbial smoking gun proving the “mules” theory. Indeed, the narrative remains live: for example, prominent election deniers—including former President Donald Trump, who hosted a high-profile

¹ Box Office Mojo, *2000 Mules*, https://www.boxofficemojo.com/release/rl2915074817/?ref=bo_tt_gr_1 (last visited Oct. 1, 2022).

screening of *2000 Mules* at Mar-a-Lago in May—have continued to spread it on an ongoing basis.²

12. As a result, Mr. Andrews and his family have faced threats of violence and live in fear. They feel intimidated to vote and have changed how they vote because of that fear. They worry that again they will be baselessly accused of election crimes, and that believers in the “mules” theory may recognize and seek reprisal against them, and that they may face physical harm.

13. As a Black man who grew up in the American South before passage of the Voting Rights Act, Mr. Andrews deeply cherishes the right to vote, has always been proud to cast his ballot, and has worked tirelessly to instill these same values in his family. Now, because of Defendants’ conspiracy to defame and intimidate Mr. Andrews, he will never again be able to vote without looking over his shoulder.

14. Defendants’ conduct violates both state and federal law. The reckless and false allegations that Mr. Andrews engaged in voter fraud constitute textbook

² E.g., The Joe Pags Show, *Joe Pags Interviews the 45th President, Donald J. Trump*, NewsRadio 630 WLAP (Oct. 4, 2022), <https://wlap.iheart.com/featured/the-joe-pags-show/content/2022-10-04-joe-pags-interviews-the-45th-president-donald-j-trump/>; Ewan Palmer, *Donald Trump Holds Screening of ‘2,000 Mules’ Documentary At Mar-a-Lago*, Newsweek (May 5, 2022, 4:58 AM), <https://www.newsweek.com/donald-trump-2000-mules-film-election-fraud-dsouza-rittenhouse-1703680>.

cases of defamation, false light, and appropriation of likeness under Georgia law. Further, Defendants' coordinated campaign of intimidation and harassment through their defamation campaign against Mr. Andrews also violates both Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b), and Section 2 of the Ku Klux Klan Act, 42 U.S.C. § 1985(3), because their actions threatened and intimidated Mr. Andrews for exercising his right to vote and caused injury to him because he exercised his right to vote.

15. Mr. Andrews brings this action to clear his name and to ensure that Defendants are held accountable for their ongoing campaign of defamation, threats and intimidation, and in so doing, injuring him and attacking the democracy that he holds so dear.

PARTIES

16. Plaintiff **Mark Andrews** is an auditing and technology executive at a Fortune 500 company. He resides in Georgia with his wife and three adult children. Having grown up in Jacksonville, Florida, before the passage of federal civil rights laws, Mr. Andrews' family taught him that his community and ancestors had fought, marched, and died for the right to vote. He has voted religiously since he turned 18.

17. Defendant **Dinesh D’Souza** is a writer, filmmaker, podcaster, media personality, and merchandise purveyor.³ His work has been widely recognized as unreliable.⁴ In 2014, D’Souza was convicted of election-related crimes and was pardoned by then-President Trump in 2018.⁵ D’Souza directed, produced, and narrated *2000 Mules* and has made numerous media appearances promoting the film and its spurious claims of mass ballot fraud. D’Souza is domiciled in Texas.

³ D’Souza Media, *Videos*, <https://dineshdsouza.com/videos/> (last visited Sept. 30, 2022).

⁴ Aidan McLaughlin, *Dinesh D’Souza Gets Scrubbed From the National Review Masthead*, MEDIAite (Mar. 3, 2022, 4:47 PM), <https://www.mediaite.com/weird/dinesh-dsouza-gets-scrubbed-from-the-national-review-masthead/>; Zachary Petrizzo, *Right-Wing Site Townhall Quietly Deletes Ann Coulter Post Bashing D’Souza’s Movie It Funded*, Daily Beast (June 17, 2022, 3:43 PM), <https://www.thedailybeast.com/townhall-quietly-deletes-ann-coulter-post-bashing-dinesh-dsouza-movie-it-funded>. For example, the *Columbia Journalism Review* has called one article “a gross piece of innuendo—a fact-twisting, error-laden piece of paranoia. This is the worst kind of smear journalism—a singularly disgusting work.” Ryan Chittum, *Forbes’ Shameful Piece on Obama as the “Other”*: *The worst kind of smear journalism by Dinesh D’Souza*, *Columbia Journalism Review* (Sept. 13, 2010), https://archives.cjr.org/the_audit/forbes_shameful_obama_dinesh_dsouza.php.

⁵ Dom DiFurio, *Cinemark among few showing dubious 2020 election fraud documentary ‘2000 Mules’*, *Dallas News* (May 24, 2022, 6:00 AM), <https://www.dallasnews.com/business/local-companies/2022/05/24/cinemark-alone-in-showing-dubious-2020-election-fraud-documentary-2000-mules/>.

18. Defendant **True the Vote, LLC** (“True the Vote” or “TTV”) is a 501(c)(3) nonprofit organization with its principal place of business in Texas.⁶ TTV purports to “engage” individuals to monitor voters to ensure “election integrity.”⁷ In reality, this monitoring has taken the form of voter intimidation targeting non-white voters in urban areas.⁸

19. TTV is an Executive Producer of *2000 Mules*.⁹ Defendant D’Souza identified TTV as having provided the purported “research” in the movie.¹⁰

20. Defendant **Catherine Engelbrecht** is the Executive Director and co-founder of TTV. She is an Executive Producer and Producer of *2000 Mules*,

⁶ True the Vote, *Donate*, <https://www.truethetvote.org/donate/> (last visited Oct. 13, 2022); True the Vote, *About Us*, <https://www.truethetvote.org/about/> (last visited Oct. 10, 2022).

⁷ *Id.*

⁸ *E.g.*, Dan Harris & Melia Patria, *Is True the Vote Intimidating Minority Voters From Going to the Polls?*, ABC News (Nov. 1, 2012, 1:27 PM), <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823>; AJ Vicens & Natasha Khan, *Voters feel intimidated by election observers*, Tucson Sentinel (Aug. 20, 2012), https://www.tucson sentinel.com/nationworld/report/082012_voting_observers/voters-feel-intimidated-by-election-observers/.

⁹ *2000 Mules*, IMDb, https://www.imdb.com/title/tt18924506/fullcredits?ref=tt_ov_st_sm (last visited Oct. 18, 2022).

¹⁰ D’Souza Media, *2000 Mules*, <https://dineshdsouza.com/films/> (last visited Sept. 30, 2022).

appears throughout the film, and has made many media appearances promoting *2000 Mules*.¹¹ Defendant Engelbrecht is domiciled in Texas.

21. Defendant **Gregg Phillips** has served on TTV's board of directors and is an executive producer and producer and appears throughout *2000 Mules*.¹² He states in the film that he worked with TTV to develop the "research" and "methodology" used to identify the so-called "mules." He led the team that claimed to identify the "ballot mules" in *2000 Mules* and has made many media appearances promoting *2000 Mules* and reaffirming spurious claims of mass ballot fraud. He is domiciled in Alabama.

22. Collectively, Defendants TTV, Engelbrecht, and Phillips are referred to as "the TTV Defendants."

23. Defendant **D'Souza Media, LLC** ("D'Souza Media") is a media production company. D'Souza Media is one production company responsible for *2000 Mules* and was the film's distributor. D'Souza Media was formed in 2015, is incorporated in Delaware, and has its principal place of business in Texas.

¹¹ *2000 Mules*, IMDb, https://www.imdb.com/title/tt18924506/fullcredits?ref=tt_ov_st_sm (last visited Oct. 18, 2022).

¹² *Id.*; Reveal, *The Big Grift Behind the Big Life*, Reveal News (Sept. 10, 2022), <https://revealnews.org/podcast/the-big-grift-behind-the-big-lie/>.

24. Defendant **Salem Media Group, Inc.** (“Salem Media”) is a publicly traded for-profit media company. Salem Media is also a production company responsible for *2000 Mules*. A Salem Media affiliate distributes The Dinesh D’Souza Podcast, which Defendant D’Souza used extensively to promote *2000 Mules* and which is depicted in the film. Salem Media-affiliated hosts are featured in portions of the documentary in which D’Souza shares his findings and gathers their reactions. Salem Media is incorporated in Delaware and has its principal place of business in Texas.

25. **John Doe Defendants** have conspired with all other Defendants in order to create, spread, and promote *2000 Mules* and the lies about Mr. Andrews within it. They engaged in overt acts and took substantial steps in furtherance of the conspiracy.

JURISDICTION AND VENUE

26. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under federal law, specifically Section 2 of the Ku Klux Klan Act, 42 U.S.C. § 1985(3), and Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b). The Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367 because they are so

closely related to the federal claims as to form part of the same case or controversy.

27. The Court also has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1), as the matter in controversy exceeds \$75,000 exclusive of interests and costs and the parties have diversity of citizenship.

28. The Court may exercise personal jurisdiction over Defendants under Ga. Code Ann. § 9-10-91 because all Defendants have committed the tortious actions of voter intimidation, conspiracy to commit voter intimidation, false light, and appropriation of likeness in Georgia. Further, each Defendant has committed the tortious injury of defamation and regularly does or solicits business, and/or engages in other persistent courses of conduct, and/or derives substantial revenue from goods used or consumed or services rendered in Georgia—including from *2000 Mules* and related appearances and ventures.

29. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because significant events giving rise to this action occurred in the Northern District of Georgia.

FACTS

A. Defendants conspired to produce and promote *2000 Mules*.

30. Following former President Donald Trump’s defeat in the 2020 presidential election, Defendants invented and promoted a baseless narrative that there was “widespread, coordinated voter fraud in the 2020 election, sufficient to change the overall outcome.”¹³ Defendants claim this fraud was achieved via “an elaborate network of paid professional operatives called mules delivering fraudulent and illegal votes to mail-in drop boxes in the five key states where the election was decided.”¹⁴

31. Defendants and their collaborators worked together to create, release, and promote the movie *2000 Mules*, which they claim is a “documentary” corroborating the false narrative that the election was stolen by “mules.”¹⁵

32. In a May 4, 2022, interview, Defendant D’Souza described the film as “an exposé of a coordinated ring of paid ballot trafficking, illegal votes, fraudulent

¹³ *2000 Mules*, SalemNOW Store, <https://shop.salemnow.com/product/2000-mules/> [perma.cc/8UQQ-UMXW] (last visited Oct. 2, 2022).

¹⁴ *Id.*

¹⁵ *Id.* Defendant D’Souza later admitted that though the film is marketed as a “documentary,” much of its action is really a series of “recreations” and took place on sets—though they are not portrayed as such in the film. Tom Dreisbach, *A publisher abruptly recalled the ‘2,000 Mules’ election denial book. NPR got a copy.*, NPR (Sept. 8, 2022, 12:44 PM), <https://www.npr.org/2022/09/08/1121648290/a-publisher-abruptly-recalled-the-2-000-mules-election-denial-book-npr-got-a-cop>.

votes being dumped en masse into mail-in drop boxes.”¹⁶ Defendants’ film asserts that so-called “ballot mules” were paid to deliver illegal ballots from nonprofit organizations to absentee drop boxes in five swing states, including Georgia. According to Defendants’ film, the “mules” illegally deposited enough ballots to swing the election from former President Trump to President Joe Biden.

33. In fact, Defendants’ film intentionally mischaracterizes data and misconstrues the images of Mr. Andrews lawfully voting to support their preconceived narrative that the 2020 election was stolen. Even prominent members of former President Trump’s party, including former Attorney General William Barr and Georgia’s Republican Secretary of State Brad Raffensperger, have rejected Defendants’ false narrative.¹⁷

¹⁶ Kevin Hogan, *NTD News Today Full Broadcast (May 4)*, NTD (May 4, 2022), https://www.ntd.com/ntd-news-today-full-broadcast-may-4-3_774836.html.

¹⁷ Amanda Carpenter, *Dinesh D’Souza’s 2000 Mules Is a Hilarious Mockumentary*, Bulwark (May 17, 2022, 5:14 AM), <https://www.thebulwark.com/dinesh-dsouzas-2000-mules-is-a-hilarious-mockumentary/>. Former Attorney General Bill Barr laughed during a deposition when asked about the film, saying he was not convinced by it and calling the cellphone geolocation data “singularly unimpressive.” Grace Panetta, *Former AG Bill Barr laughs at Dinesh D’Souza’s election conspiracy theory film ‘2000 Mules’ in January 6 Committee deposition*, Insider (June 13, 2022, 1:16 PM), <https://www.businessinsider.com/bill-barr-mocks-2000-mules-film-january-6-deposition-video-2022-6>. Conservative commentator Ben Shapiro said: “I think the conclusions of the film are not justified by the premises of the film itself. There are a bunch of dots that need to be

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34. Defendants’ film falsely claims that cell phone geolocation data (combined with the footage in the film) proves that the voters depicted in the film were “mules” who unlawfully deposited fraudulent ballots, because certain cell phones were repeatedly near the location of drop boxes on multiple occasions. As additional “evidence,” the film includes surveillance footage of people depositing ballots into drop boxes and claims that these voters are paid operatives “involved in picking up [fraudulent] ballots from locations and running them to the drop boxes.”¹⁸

35. Mr. Andrews is one of the voters Defendants portray in the film. Both the film and its trailer prominently feature video surveillance footage of Mr. Andrews depositing his and his family’s absentee ballots in a Georgia ballot drop box, which the TTV Defendants edited into a widely used video clip (“the TTV clip”). The TTV Defendants excerpted and used this footage without Mr. Andrews’ knowledge or consent.

connected.” Ben Shapiro, *Ben Shapiro REACTS To The “2000 Mules” Documentary*, YouTube (May 10, 2022), <https://www.youtube.com/watch?v=BnYWx2Ozahk>; Eli Lake, *REVIEW: ‘2000 Mules’*, Free Beacon (May 27, 2022, 3:45 PM), <https://freebeacon.com/politics/review-2000-mules>.

¹⁸ DVD: 2000 Mules (Dinesh D’Souza 2022 Film) (on file with author).

36. In the film, Defendants included this video of Mr. Andrews (with his face blurred) as an example of a “mule” at a drop box. The video also includes an image of Mr. Andrews’ white SUV.

37. In the film, Mr. Andrews’ image (with his face blurred) is accompanied by a voiceover from Defendant D’Souza saying: “What you are seeing is a crime. These are fraudulent votes.”¹⁹

38. Mr. Andrews is portrayed in the final standalone video clip in a series of twelve clips of voters depositing absentee ballots in drop boxes.

39. The video clips of voters, including Mr. Andrews, are shown immediately after a false explanation by Defendants D’Souza, Engelbrecht, and Phillips of why the conduct portrayed is illegal. These three Defendants appear in the film together to describe the so-called “mules” and the invented criminal scheme, namely, that these voters were paid to deposit fraudulent ballots in drop boxes (which would violate state and federal laws).

40. Defendants D’Souza, Engelbrecht, and Phillips describe this purported criminal scheme in detail, using terms associated with serious crimes. For example, Defendant Engelbrecht explains in the film: “And to us, it felt a lot like a cartel, it felt a lot like trafficking. It can be trafficking in drugs, trafficking in

¹⁹ *Id.*

humans. In this instance it's ballot trafficking and so we began to use that vernacular.”

41. They also accuse the “mules” of committing other crimes, including joining “riots” in Atlanta, and, in other interviews, “burning people” and “pulling people out of cars and beating them up.”²⁰

42. Defendants’ description and then the depiction of video clips of voters (including Mr. Andrews) make clear that Defendants’ description of illegal conduct by “mules” is meant to apply to Mr. Andrews. Further, Defendant D’Souza’s voiceover stating “what you are seeing is a crime” occurs while Mr. Andrews’ image is shown on screen.

43. Defendants also included the footage of Mr. Andrews voting in their “official” trailer for *2000 Mules*.²¹ In the trailer, D’Souza asks, “do you have video evidence?” of the alleged mules engaged in criminal conduct. Phillips replies:

²⁰ Joshua Philipp, Crossroads, *Dinesh D’Souza: Enough Fraud Was Committed to Steal 2020 Election*, Epoch Times (May 6, 2022), https://www.theepochtimes.com/dinesh-dsouza-enough-fraud-was-committed-to-steal-2020-election_4443068.html; WMBC TV 63 New York, NTD: Crossroads, *Transcript*, TV Eyes (Sept. 13, 2022, 9:00 PM), [https://mms.tveyes.com/transcript.asp?StationID=12090&DateTime=9/13/2022%209:00:46%20PM&playclip=true&pbcs=search%3a%2b\(tactic\)\[https://perma.cc/5WTK-2RD6\]](https://mms.tveyes.com/transcript.asp?StationID=12090&DateTime=9/13/2022%209:00:46%20PM&playclip=true&pbcs=search%3a%2b(tactic)[https://perma.cc/5WTK-2RD6]).

²¹ *2000 Mules*, <https://2000mules.com/> (last visited Sept. 30, 2022).

“four million minutes of surveillance video,” as Mr. Andrews’ image (with his face blurred) is shown.²²

44. Defendants included in the trailer the following dialogue from the film discussing the purported mules (including Mr. Andrews):

Phillips: “This is not grandma walking her dog: bad backgrounds, bad reputations. They are interested in one thing: that’s money.”

Engelbrecht: “And in no shape, in no way, in no time is that legal.”

Phillips: “This is organized crime.”

45. D’Souza published this trailer on April 23, 2022, on his account on the video-sharing website Rumble. As of October 24, 2022, the trailer has over 3.8 million views.²³ D’Souza also shared the trailer on his Twitter page on April 23, 2022, where the tweet has accumulated more 14,000 likes and over 8,600 retweets.²⁴ TTV shared the trailer on Rumble that same day, and as of October 24 2022, the post has over 674,000 views.²⁵ TTV also shared the trailer on its website,

²² *Id.*

²³ Dinesh D’Souza, *2000 Mules Trailer*, Rumble (Apr. 23, 2022), <https://rumble.com/v1238uc-2000-mules-trailer.html> [<https://perma.cc/RN99-ZJFN>].

²⁴ Dinesh D’Souza (@DineshDSouza), Twitter (Apr. 23, 2022, 9:37 PM), <https://twitter.com/DineshDSouza/status/1518041311210782721> [<https://perma.cc/YLZ8-U6LB>].

²⁵ True the Vote, *2000 Mules: Extended Trailer*, Rumble (Apr. 23, 2022), <https://rumble.com/v124geo-2000-mules-extended-trailer.html> [<https://perma.cc/XBL6-R7NL>].

and official Facebook and Instagram pages on April 23 and April 24, 2022.²⁶

TTV's post was shared more than 900 times on Facebook.

46. In the weeks leading up to the film's premiere, Defendants continued to show Mr. Andrews' image in various media outlets and spread the false claim that he and others were engaged in election crimes. In addition to publicizing the trailer, in the lead up to the film's premiere, Defendants showed Mr. Andrews' image at least eleven times in media appearances, while making the false claim that he and others were engaged in election crimes.

47. On April 8, 2022, Defendants Engelbrecht and Phillips twice showed an excerpt of Mr. Andrews voting without any blurring of his face on *The Charlie Kirk Show*, which Defendant Salem Media produces.²⁷

²⁶ Catherine Engelbrecht, *2000 Mules is Just the Beginning - See New Trailer Here!*, True the Vote (Apr. 24, 2022), <https://www.truethevote.org/sneak-peek-new-2000-mules-footage-released/> [<https://perma.cc/RQ9T-YHK2>]; @RealTrueTheVote, *Our movie '2000 Mules' is just the beginning.*, Instagram (Apr. 23, 2022), <https://www.instagram.com/p/Cct3Y-cjupV/> [<https://perma.cc/CAX3-XDGV>]; True The Vote, *See the extended trailer for True the Vote's '2000 Mules,' produced by Dinesh D'Souza*, Facebook (Apr. 24, 2022), <https://www.facebook.com/TrueTheVote/posts/1187649231982163/> [<https://perma.cc/C93F-5WK3>].

²⁷ The Charlie Kirk Show, *How They Did It - True the Vote's Catherine Engelbrecht and Gregg Phillips on The Charlie Kirk Show*, Rumble (Apr. 8, 2022), <https://rumble.com/v10ajh2-how-the-did-it-true-the-votes-catherine-engelbrecht-and-gregg-phillips-on-t.html> [perma.cc/WAT2-9QFQ]; True the Vote, *Charlie Kirk Interviews True the Vote*, Rumble (Apr. 13, 2022),

(cont'd)

48. During the interview, the unblurred video, which includes Mr. Andrews' face and the license plate on his car, shows him voting while Engelbrecht and Phillips falsely describe the video as depicting Mr. Andrews committed crimes:

Kirk: "Ok let's watch this video here. This is Gwinnett County, is that right?"

Engelbrecht: "Yes."

Kirk: "Ok. And we can talk over the video as it's happening because there's no sound. Ok so a white **[video of Andrews voting begins]** SUV [Andrews' vehicle] pulls up, middle of the day, what are we looking at here guys?"

Phillips: "You're going to see a voter [Andrews] get out—a mule get out."

Engelbrecht: "A mule [referring to Andrews] get out."

Kirk: "So this is a mule [referring to Andrews]? [Referring to the unblurred image of Andrews.] This is one of your 2000 that you've profiled."

Engelbrecht: "Yes."

Phillips: "And they've—and they've got their ballots [referring to Andrews holding his and his family's ballots]. And they [referring to

<https://rumble.com/v10ubu3-charlie-kirk-interviews-true-the-vote.html?mref=hsiwx&mrefc=2> [<https://perma.cc/ZD2C-VHTJ>]; True the Vote, "How They Did It": The Charlie Kirk Show Features True the Vote Bombshell Election Integrity Revelations (Apr. 7, 2022), <https://ttvdevv.wpengine.com/the-charlie-kirk-show-features-true-the-vote/> [<https://perma.cc/4X9F-Y8SY>].

Andrews] walk up to the box. You can only fit a couple of ballots in at the same time.”

Kirk: “Is this the state of Georgia?”

Phillips: “Yeah.”

Engelbrecht: “Yes.”

Kirk: “So you’re not allowed to turn in more than one?”

Engelbrecht: “Yes.”

Kirk: “Unless it’s for a close relative?”

Engelbrecht: “That is correct.”

Phillips: “And [referring to Andrews depositing the ballots] he’s trying to figure out how to even get them into the box because he has so many he can’t fit them in the little—the little slot. So then he starts having to put them in one by one. Everybody’s sitting there waiting on him. One.”

Kirk: “[Referring to Andrews’ behavior] Now this is illegal?”

Engelbrecht: “Right.”

Kirk: “Highly illegal to do this.”

Engelbrecht: “Right.”

Phillips: “[Referring to Andrews depositing the ballots] Every one past that first one was illegal.”

Engelbrecht: “Well there is a possible in that he [Andrews] could have been an assistor, which would have meant he would have had **[video of Andrews voting ends]** a signed envelope that would had indicated that he was an assistor in that capacity, but through our open records we confirmed that Gwinnett County had no assistors.”

Kirk: “Ok.”

Engelbrecht: “So we tried to kick over you know every, every rock.”

Kirk: “Good for you. Because that would have been in *The Washington Post*: ‘Hey could have been an assistor.’”

Engelbrecht: “Absolutely.”

Kirk: “Well, no, we looked into it.”²⁸

49. Even as Defendants Kirk and Engelbrecht acknowledge that Georgia law permits voters to deliver ballots of their close relatives, they claim, without evidence, that Mr. Andrews was acting illegally. They also claim that the only way he could have done this was as an official “assistor,” which is incorrect—the “assistor” provision of Georgia law is separate from the section that authorizes delivery of ballots for relatives. *See* Ga. Code Ann. § 21-2-385(a) (family member delivery); *id.* § 21-2-385(b) (assisting a physically disabled or illiterate voter).

50. Later in the interview, Defendants’ clip of Mr. Andrews voting plays again, with his face unblurred, and including a location and timestamp: “Drop box - Gwinnett County Election Office - Grayson Hwy” and “10/6/20 9:48AM.” Onscreen in large, bold letters is the caption: “Ballot Harvesting is illegal in GA!”

²⁸ The Charlie Kirk Show, *How They Did It - True the Vote’s Catherine Engelbrecht and Gregg Phillips on The Charlie Kirk Show*, Rumble (Apr. 8, 2022), <https://rumble.com/v10ajh2-how-the-did-it-true-the-votes-catherine-engelbrecht-and-gregg-phillips-on-t.html> [perma.cc/WAT2-9QFQ].

51. This episode of *The Charlie Kirk Show* was published on Rumble on April 8, 2022, and has more than 2.1 million views.²⁹ True the Vote shared links to the video on its website, and on its Instagram, Rumble, and Facebook pages.³⁰ The episode remains publicly available.

52. On May 4, 2022, Defendant D’Souza appeared on *NTD News* on New York news channel WMBC 63, where he repeated the false claim that Mr. Andrews had committed voter fraud. Defendant D’Souza stated that “[2000 *Mules*] is an exposé of a coordinated ring of paid ballot trafficking, illegal votes,

²⁹ The Charlie Kirk Show, *How They Did It - True the Vote’s Catherine Engelbrecht and Gregg Phillips on The Charlie Kirk Show*, Rumble (Apr. 8, 2022), <https://rumble.com/v10ajh2-how-the-did-it-true-the-votes-catherine-engelbrecht-and-gregg-phillips-on-t.html> [perma.cc/WAT2-9QFQ].

³⁰ True the Vote, “*How They Did It*”: *The Charlie Kirk Show Features True the Vote Bombshell Election Integrity Revelations* (Apr. 7, 2022), <https://www.true-the-vote.org/the-charlie-kirk-show-features-true-the-vote/> [https://perma.cc/5A62-U4J2]; @RealTrueTheVote, *Special Thanks to Charlie Kirk*, Instagram (Apr. 8, 2022), <https://www.instagram.com/p/CcGy5Q2p8aC/> [https://perma.cc/C69E-3EBV]; True the Vote, *Charlie Kirk Interviews True the Vote*, Rumble (Apr. 13, 2022), <https://rumble.com/v10ubu3-charlie-kirk-interviews-true-the-vote.html?mref=hsiwX&mrefc=2> [https://perma.cc/ZD2C-VHTJ]; True the Vote, *ICYMI: Here’s our full interview with Charlie Kirk on the Charlie Kirk Show.*, Facebook, https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FTrueTheVote%2Fposts%2Fpfbid038MbJziMYJ9GcNXgHRtyiX2Wy2k44Z6vw1cFghWnJtfH9X3TPZytkov9THZG1GMTl&show_text=true&width=500 [https://perma.cc/D6TL-F8YJ] (last visited Sept. 30, 2022).

fraudulent votes being dumped en masse into mail-in drop boxes.”³¹ The TTV clip of Mr. Andrews voting appeared onscreen (with his face blurred) as Defendant D’Souza said “dumped en masse into mail-in drop boxes.”

53. Later in the interview, Defendant D’Souza said that by watching the film, “you will actually be taken to the scene of the crime. You’ll be able to see it for yourself. Now where do you see the movie, there’s only one way to see it: go to the website.”³² Defendant D’Souza went on to explain that they had identified “more than 2000 mules. A mule is just kind of the trafficker, it’s a term taken out of sex trafficking or drug trafficking, except we’re talking now about ballot trafficking.”³³

54. The next day, May 5, 2022, Defendant Engelbrecht appeared on *Tucker Carlson Tonight* on Fox News. During her appearance, the TTV clip of Mr. Andrews appeared as she made false claims about the election fraud purportedly depicted in *2000 Mules*. Neither Mr. Andrews’ face nor his license plate are blurred as she described “a recipe for fraud.”³⁴

³¹ Kevin Hogan, *NTD News Today Full Broadcast (May 4)*, NTD (May 4, 2022), https://www.ntd.com/ntd-news-today-full-broadcast-may-4-3_774836.html.

³² *Id.*

³³ *Id.*

³⁴ True the Vote, *Is the house of cards finally falling? True the Vote founder Catherine Engelbrecht dropped some truth bombs on Tucker last night.*,

(cont’d)

55. One minute later, Defendant Engelbrecht said: “As I sit here tonight, I can tell you there was rampant abuse of those drop boxes, and the data that we have is immutable and proves it, now buttressed increasingly by video.”³⁵ She also commented: “the subversion was in fact real.”³⁶

56. *Tucker Carlson Tonight* averaged more than 3.2 million viewers per night the month Defendant Engelbrecht appeared and discussed Mr. Andrews’ image.³⁷

57. On May 6, 2022, Defendant D’Souza appeared on The Epoch Times’ *Crossroads* with host Joshua Philipp, a news show broadcast online and on television via a streaming service.³⁸ Mr. Andrews’ blurred image was shown twice. The first instance was in Philipp’s introduction to the segment as he claimed that “alleged paid couriers called mules were traveling to various nonprofit groups and

Facebook (May 6, 2022),

<https://www.facebook.com/watch/?v=1381334499041217&ref=sharing>
[\[perma.cc/NE2K-M3PJ\]](https://perma.cc/NE2K-M3PJ).

³⁵ *Id.*

³⁶ *Id.*

³⁷ A.J. Katz, *May ‘22 Ratings: Fox News Delivers 2nd-Largest May Audience in Network History*, TV Newser (June 1, 2022, 3:45 PM), <https://www.adweek.com/tvnewser/may-22-ratings-fox-news-delivers-2nd-largest-may-audience-in-network-history/508109/>.

³⁸ Joshua Philipp, *Crossroads, Dinesh D’Souza: Enough Fraud Was Committed to Steal 2020 Election*, Epoch Times (May 6, 2022), https://www.theepochtimes.com/dinesh-dsouza-enough-fraud-was-committed-to-steal-2020-election_4443068.html.

ballot drop boxes.”³⁹ Later in the interview, Defendant D’Souza said: “What seals the deal and what made this movie so powerful...is when True the Vote began to show me surveillance video that they had obtained from the states themselves, official surveillance video which kind of catches the mules in the act.”

Mr. Andrews’ image appears during Defendant D’Souza’s first mention of “surveillance video.”

58. During the interview, Defendant D’Souza falsely claimed that “everything that you see in the movie is 100% illegal in all the 50 states.” He continued to claim that the “mules” engaged in other criminal activity: “We happen to know that a number of the mules are Antifa-BLM types. Those are the sort of thugs who are being hired to do this.”

59. The episode re-aired on WMBC TV 63 as recently as September 13, 2022.⁴⁰

³⁹ *Id.*

⁴⁰ WMBC TV 63 New York, NTD: Crossroads, *Transcript*, TV Eyes (Sept. 13, 2022, 9:00 PM), [https://mms.tveyes.com/transcript.asp?StationID=12090&DateTime=9/13/2022%209:00:46%20PM&playclip=true&pbcc=search%3a%2b\(tactic\)\[perma.cc/5WTK-2RD6\]](https://mms.tveyes.com/transcript.asp?StationID=12090&DateTime=9/13/2022%209:00:46%20PM&playclip=true&pbcc=search%3a%2b(tactic)[perma.cc/5WTK-2RD6]).

60. The episode remains on The Epoch Times' website, which had 26.5 million visitors in July 2022.⁴¹ The video itself has been viewed more than 119,000 times and shared to social media more than 11,000 times.⁴²

61. On May 8, 2022, TTV shared on its Facebook page the seven-minute clip of Engelbrecht on *Tucker Carlson Tonight* with the footage of Mr. Andrews voting, with his face unblurred and recognizable, and her statements that the video depicted individuals committing election fraud (detailed above). The clip was viewed more than 247,000 times and shared more than 7,800 times.⁴³ It is still online as of October 24, 2022. The video was also shared on TTV's Instagram and Rumble accounts, as well as Defendant D'Souza's Rumble.⁴⁴

⁴¹ Similar Web, The Epoch Times, <https://www.similarweb.com/website/theepochtimes.com/> (last visited Oct. 2, 2022).

⁴² Joshua Philipp, Crossroads, *Dinesh D'Souza: Enough Fraud Was Committed to Steal 2020 Election*, Epoch Times (May 6, 2022), https://www.theepochtimes.com/dinesh-dsouza-enough-fraud-was-committed-to-steal-2020-election_4443068.html.

⁴³ True the Vote, *Is the house of cards finally falling? True the Vote founder Catherine Engelbrecht dropped some truth bombs on Tucker last night.*, Facebook (May 6, 2022), <https://www.facebook.com/watch/?v=1381334499041217&ref=sharing> [perma.cc/NE2K-M3PJ].

⁴⁴ @RealTrueTheVote, *Is the house of cards finally falling? True the Vote founder Catherine Engelbrecht dropped some truth bombs on Tucker last night.*, Instagram (May 6, 2022), <https://www.instagram.com/p/CdN1ud6D11e/> [<https://perma.cc/G98V-4HFR>];

(cont'd)

62. On May 8, 2022, TTV published on its Facebook page another video about how it planned to release all of its video and data evidence of mass fraud beyond that contained in *2000 Mules*. Interspersed among ominous footage and statements about how “all the easy choices are in the past” and “pull[ing] the ripcord,” the trailer contained Mr. Andrews’ image (with his face blurred) as the first in a series of examples of video evidence.⁴⁵ This trailer has more than 95,000 views.⁴⁶ TTV shared the trailer on its website, Instagram, and Rumble.⁴⁷

True the Vote, *Tucker Carlson Tonight - Catherine Engelbrecht May 5, 2022*, Rumble (May 5, 2022), <https://rumble.com/v13oocs-tucker-carlson-tonight-catherine-engelbrecht-may-5-2022.html?mref=hsiwx&mrefc=4> [<https://perma.cc/33UC-87H5>];

Dinesh D’Souza, *Catherine Engelbrecht Joins Tucker to Discuss the Groundbreaking Technology Behind “2000 Mules,”* Rumble (May 6, 2022), <https://rumble.com/v13qlbn-catherine-engelbrecht-joins-tucker-to-discuss-the-groundbreaking-technology.html?mref=hsiwx&mrefc=3> [<https://perma.cc/QC4N-PRUY>].

⁴⁵ True The Vote, *They thought that with the movie launch, we were done.*, Facebook (May 8, 2022), <https://www.facebook.com/TrueTheVote/videos/335770281958423/> [perma.cc/MJ8R-G83G].

⁴⁶ *Id.*

⁴⁷ True the Vote, *Release 2000 Mules* (May 9, 2022), <https://www.truethevote.org/release-2000-mules-expose-the-truth-then-pull-the-ripcord/> [<https://perma.cc/ET9E-XJD8>]; @RealTrueTheVote, *They thought that with the movie launch, we were done.*, Instagram (May 8, 2022), https://www.instagram.com/p/CdTt8_ujYbI/ [<https://perma.cc/9T55-XCD8>]; True the Vote, *This is Not The End*, Rumble (May 8, 2022), <https://rumble.com/v13zwyp-true-the-vote-this-is-not-the-end.html?mref=hsiwx&mrefc=7> [<https://perma.cc/K4RW-KV7M>].

63. On May 11, 2022, Defendant D’Souza appeared on One America News Network’s *Tipping Point with Kara McKinney*. He showed the TTV clip of Mr. Andrews voting (with his face blurred). During the interview, D’Souza claimed that the film “shows that there was fraud, coordinated fraud in all the key states that decided the election.”⁴⁸ As evidence of this, he claimed that the video “confirmed” the scheme, as it showed the same “mules” that were geotracked “stuffing the ballot box” and constituted “proof of a very high order.”⁴⁹

64. On May 14, 2022, Defendants Engelbrecht and Phillips appeared on The Epoch Times’ news show *Truth Matters with Roman Balmakov* and showed the TTV clip of Mr. Andrews voting (with his face blurred) as they explained the purported illegal “mules” scheme.⁵⁰ Phillips stated that they used geolocation tracking because “we were looking for ways to solve a crime.”⁵¹ Phillips claimed that they tracked people going to “stash houses,” and “delivering” to ballot drop

⁴⁸ Media Matters, *From the May 11, 2022, edition of OAN’s Tipping Point*, <https://www.mediamatters.org/media/3988751> (last visited Oct. 1, 2022).

⁴⁹ *Id.*

⁵⁰ True the Vote, *‘Local Insurgencies’: The Epoch Times Features Interview With True the Vote About Who Is Funding the Ballot Mules* (May 14, 2022), <https://www.truethevote.org/the-epoch-times-interview-about-who-is-funding-the-ballot-mules/> [perma.cc/G6RG-BLU7].

⁵¹ *Id.*

boxes, then “backed [that] up with video.”⁵² He stated, “in no case, either by federal law or any state law, can you get paid to traffic ballots.”⁵³

65. Before the clip played, Phillips stated:

The data itself is immutable. Even if you don’t believe your lying eyes on that, then just go look at the video. I mean, okay, if I could show you that some guy’s up there putting all these ballots in the video and I can show you the pings, and then we can show you where he did it again and again and again and again, it really takes an extraordinary person with an agenda that’s probably not America’s agenda to say: “I don’t believe that.”

66. While Defendants’ excerpt of Mr. Andrews voting played, Mr. Balmakov asserted: “That happened. What we just saw is an actual thing that happened. . . . What are we going to do about this?” referring to the film’s invented claims of voter fraud. In discussing the footage of voters (including Mr. Andrews), Defendant Engelbrecht stated, without any factual basis with respect to Mr. Andrews: “Their phone was at a violent riot. Make of that what you will.”⁵⁴ Mr. Andrews has never attended a “violent riot.”

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

67. The interview has been viewed more than 159,000 times on the Epoch Times website.⁵⁵ TTV also published the interview on its website, Facebook, and Rumble, where it remains available for viewing.⁵⁶ In addition, True the Vote's Instagram account still promotes the interview with a post and a link to the video.⁵⁷

B. Defendants' allegations are false.

68. Mr. Andrews lives in Gwinnett County, Georgia, with his wife of almost forty years and his three adult children. All are registered voters.

69. Mr. Andrews deeply cherishes exercising his right to vote. Growing up in the South in the 1960s, he heard stories from family members about when

⁵⁵ Roman Balmakov, Facts Matter, *Ballot Mules Funded by Obama-Linked NGOs Poured Billions Into 'Local Insurgencies'*: Analyst, Epoch Times (May 13, 2022), https://www.theepochtimes.com/obama-affiliated-ngos-poured-billions-into-local-insurgencies-to-steal-2020-election-analyst_4458553.html [perma.cc/V8NN-6NZU].

⁵⁶ True the Vote, *'Local Insurgencies': The Epoch Times Features Interview With True the Vote About Who Is Funding the Ballot Mules* (May 14, 2022), <https://www.truethethevote.org/the-epoch-times-interview-about-who-is-funding-the-ballot-mules/> [perma.cc/G6RG-BLU7]; True the Vote, *Want to know who is behind the trafficking?*, Facebook, <https://perma.cc/7PGG-W324> (last visited Sept. 30, 2022); True the Vote, *Epoch Times Obama Affiliated NGOs Poured Billions to Steal Elections*, Rumble (May 13, 2022), <https://rumble.com/v14no71-epoch-times-obama-affiliated-ngos-poured-billions-to-steal-elections.html?mref=hsiwx&mrefc=6> [<https://perma.cc/LP3R-B9NK>].

⁵⁷ @RealTrueTheVote, *Want to know who is behind the trafficking?*, Instagram (May 14, 2022), <https://www.instagram.com/p/CdjKQ4Ju1S7/> [<https://perma.cc/B8HF-MBAX>].

Black people could not vote. From a young age, Mr. Andrews' family instilled in him that by voting he was making the world a better place for future generations and protecting the legacy of his forebearers who had fought for his right to vote. As a result, Mr. Andrews is a committed voter, having cast a ballot in every presidential and midterm general election since moving to Georgia in 1995.

70. Mr. Andrews has passed down this core family value by encouraging his three adult children to vote. To this end, for the 2020 presidential election, given the COVID-19 pandemic, he offered to drop off the completed ballots of his children and his wife at a ballot drop box.

71. Before dropping off his family's ballots, Mr. Andrews checked Georgia law, confirming that it specifically allows a voter's father or spouse (and other household members) to deliver their ballot to a voting location, including a drop box.⁵⁸

72. On October 6, 2020, Mr. Andrews voted by depositing his ballot in a ballot drop box in downtown Lawrenceville in Gwinnett County, Georgia ("the ballot box"). He stopped his car by the ballot box, walked out of his car, and voted by placing his ballot in the ballot box.

⁵⁸ Ga. Code Ann. § 21-2-385(a) (2020).

73. In addition to his own ballot, he deposited the ballots that his wife and his three children had completed for themselves. Before placing the ballots in the box, he carefully checked to make sure that all five ballots were there, and that they were not stuck together. Mr. Andrews carefully dropped off these ballots well before election day to ensure that they were counted.

74. As Mr. Andrews went to vote, he noticed that there were security cameras. However, he could not have imagined that the footage of him voting would become “evidence” in a coordinated campaign of voter intimidation, harassment, and defamation.

75. On April 25, 2022, unbeknownst to Mr. Andrews, a Georgia resident named David A. Cross filed a complaint against Mr. Andrews with the Georgia Bureau of Investigations (GBI) asserting the same false allegations of ballot fraud in *2000 Mules*.

76. Cross’ complaint to the GBI included multiple screenshots of Mr. Andrews voting, as well as Mr. Andrews’ vehicle and license plate number, all unblurred and all taken from the TTV video clip.⁵⁹

⁵⁹ The investigator used this information about Andrews’ vehicle to locate and identify Andrews. Investigations Division Summary at 2, Case No. SEB2022-054, Georgia Secretary of State (May 12, 2022).

77. Cross routinely collaborates with Defendant True the Vote.⁶⁰ In fact, public statements by True the Vote in 2022 indicate that True the Vote collaborated with Cross to obtain video “evidence” of illegal ballot delivery in Georgia.

78. The text of Cross’ complaint provides further evidence of his collaboration with TTV. It relied on Defendants’ false “mules” narrative, claiming: “A private investigative organization, True the Vote, purchased billions of cell phone ‘pings’ and they identified this individual by tracking his cell phone pings to multiple ballot drop boxes.” Echoing Defendants’ narrative, Cross’ complaint alleged that so-called “ballot mules” were paid ten to fifteen dollars per ballot to illegally deliver multiple ballots. Cross noted that the conduct of which he was

⁶⁰ For example, on January 31, 2022, TTV shared a video of a person depositing ballots in a drop box. The video was one of many Cross created and shared on his website and Rumble page showing people he alleged to be engaged in illegal ballot delivery. The caption read: “True the Vote would like to extend a special thank you to David Cross for being a great American. We deeply appreciate his work for free and fair elections in Georgia, it’s patriots like him that make this country great. This is just the beginning, get ready patriots.” True The Vote, *True the Vote would like to extend a special thank you to David Cross for being a great American.*, Facebook (Jan. 31, 2022, 12:58 PM), <https://www.facebook.com/TrueTheVote/videos/1103565933725389> [<https://perma.cc/S8EC-SJ8B>]; @RealTrueTheVote, *True the Vote would like to extend a special thank you to David Cross for being a great American.*, Instagram (Jan. 31, 2022), <https://www.instagram.com/p/CZZvNuMK6yi/> [<https://perma.cc/NF4H-VCML>].

accusing Mr. Andrews was a “felony punishable by imprisonment for not less than one year.”⁶¹

79. Mr. Andrews became aware of the film and the allegations against him on May 2, 2022, when an investigator with the GBI visited Mr. Andrews at home. At that time, Mr. Andrews learned that the GBI had opened an investigation into him following Cross’ complaint alleging that he engaged in illegal ballot delivery during the 2020 election.⁶² The GBI investigator interviewed Mr. Andrews as part of a broader investigation into his family’s voting activities triggered by the complaint. Mr. Andrews provided a voluntary statement explaining that he had deposited ballots for family in his household.

80. Mr. Andrews only learned of the broader publicity and film after a reporter for a national newspaper contacted him on or about May 16, 2022. The reporter asked about the accusation in *2000 Mules* that he had engaged in election fraud and informed him that he was portrayed in the film as a ballot mule. Mr. Andrews was shocked, upset, and afraid when he heard this. Until this time, he was not aware of his portrayal in the film.

⁶¹ David A. Cross, Official Complaint filed with Georgia State Election Board (Apr. 25, 2022).

⁶² Ga. Code Ann. §§ 21-2-385(a), 21-2-603 (2020).

81. At this point, Mr. Andrews and his wife went online and viewed the *2000 Mules* trailer and Defendant Engelbrecht's appearance on Fox News that included Mr. Andrews' unblurred image, described above. They were not only outraged, but also afraid for his safety, the safety of his family, and of professional and legal consequences, even though he knew he had not broken any laws.

82. The following day, May 17, 2022, the Georgia State Elections Board (SEB) held a public meeting during which they addressed the complaint and allegations against Mr. Andrews.⁶³ The GBI investigated Cross' complaint and fully cleared Mr. Andrews of any wrongdoing. At the hearing, which was open to the public and live-streamed on the internet, a GBI investigator publicly and unequivocally refuted the allegations that Mr. Andrews had engaged in illegal "ballot harvesting" and instead had legally deposited the ballots of his wife and three adult children.⁶⁴

⁶³ Mark Niese, *Georgia investigation dispels allegations highlighted in '2000 Mules'*, Atlanta Journal (May 17, 2022), <https://www.ajc.com/politics/georgia-investigation-dispels-allegations-highlighted-in-2000-mules/DREWO27XXBF7PB4DGTBXWGQYV4/>; State of Georgia, Agenda State Election Board, Office of Secretary of State (May 17, 2022), https://sos.ga.gov/sites/default/files/forms/Agenda.May_.17th.2022.pdf.

⁶⁴ State of Georgia, Summary State Election Board, Office of Secretary of State (May 17, 2022), <https://www.sos.ga.gov/sites/default/files/forms/May%2017%20Meeting%20Summary.pdf>.

83. As the investigator at the May 17 SEB meeting detailed, the investigation confirmed that there were five voters registered at the Andrews residence—Mr. Andrews, his wife, and his three children—and that the state’s internal ballot tracking system reflected that all five voters had requested ballots by mail that were received in advance of election day.⁶⁵

84. The investigator concluded: “I did not find anything to suggest a violation of Georgia code”⁶⁶ after explaining the methodologies underlying his finding. The investigator explained that he “validated that . . . the five electors all lived in that residence at that time making all those ballots legal ballots.”⁶⁷ The investigator further explained that he had independently conducted extensive research before speaking with Mr. Andrews. Mr. Andrews’ statements were consistent with Georgia voting records.

85. The investigation thus demonstrated that allegations of voter fraud were baseless.

⁶⁵ Investigations Division Summary at 2, Case No. SEB2022-054, Georgia Secretary of State (May 12, 2022).

⁶⁶ Georgia House of Representatives, State Election Board, Vimeo (May 17, 2022), <https://vimeo.com/695911723>.

⁶⁷ *Id.*

86. The same day, the SEB dismissed the case without objection. The dismissal received media coverage in local and national publications.⁶⁸

87. During discussion of the case, Republican SEB Member Ed Lindsey voiced concern about “some people also going out and publishing these allegations and posting videos online or to other sources of people without a full investigation.”⁶⁹

88. When the GBI investigator confirmed that he had seen Defendants publicize Mr. Andrews’ image on the *Tucker Carlson Show* along with his white SUV, Mr. Lindsey then admonished those actors, like Defendants, who had spread Mr. Andrews’ image and accused him of a crime without a real basis:

Voter harvesting is a crime, claiming that someone is committing a crime without full investigation carries with it some legal liability as well, and I would like for folks who are simply doing, exercising their right to vote and exercise the right of their family to vote not to have an

⁶⁸ Matthew Brown & Amy Gardner, *Georgia elections board dismisses allegations of ballot harvesting*, Wash. Post (May 17, 2022, 2:19 PM), <https://www.washingtonpost.com/politics/2022/05/17/georgia-elections-board-dismisses-ballot-harvesting-complaints/>; Mark Niese, *What 2000 Mules Leaves Out From Ballot Harvesting Claims*, Atlanta Journal (May 10, 2022), <https://www.ajc.com/politics/what-2000-mules-leaves-out-from-ballot-harvesting-claims/FFMNUU56RVBRNOLZKWHUREQPEU/>; Mark Niese, *Georgia investigation dispels allegations highlighted in ‘2000 Mules’*, Atlanta Journal (May 17, 2022), <https://www.ajc.com/politics/georgia-investigation-dispels-allegations-highlighted-in-2000-mules/DREWO27XXBF7PB4DGTBXWGQYV4/>.

⁶⁹ Georgia House of Representatives, State Election Board, Vimeo (May 17, 2022), <https://vimeo.com/695911723>.

allegation thrown about and to simply ask folks to be a little more cautious in this day and age, to make sure that before you make those kind of allegations, that you turn over the claim to proper authorities and **allow an investigation to take place before you publish it and perhaps bring into question someone’s good name.** Just a cautionary, **I think this is a cautionary tale here that I would like folks to observe in the future.**⁷⁰

89. The accusations against Mr. Andrews—the same false accusations that Defendants have spread and continue to spread—were proven false.

C. Defendants have known from the beginning that their claims about Mr. Andrews were false, or recklessly disregarded the truth.

90. From the beginning, Defendants knew of the falsity of their statements about Mr. Andrews, and/or acted with reckless disregard as to the falsity of those statements. That is, they acted with actual malice.

91. Upon information and belief, Defendants *never* had any means to connect the public surveillance footage of Mr. Andrews to Defendants’ concocted story about “ballot mules” based on cell phone location data. Indeed, Defendants appear to lack video surveillance footage showing any individual making multiple trips to drop boxes—undercutting the heart of their narrative.⁷¹

⁷⁰ *Id.*

⁷¹ Tom Dreisbach, *A Pro-Trump film suggests its data are so accurate, it solved a murder. That’s false*, NPR (May 17, 2022, 4:05 PM), <https://www.npr.org/2022/05/17/1098787088/a-pro-trump-film-suggests-its-data-are-so-accurate-it-solved-a-murder-thats-fals>.

92. Following the 2020 election, and years before *2000 Mules'* release, election officials, law enforcement, federal judges, and other experts consistently and decisively rejected claims that mass voter fraud had swayed the election in favor of President Biden.⁷²

93. Undeterred by the lack of evidence of voter fraud, Defendants resorted to contriving evidence of their own to push their false narrative. Defendants falsely claimed that cell phone geolocation data conclusively proved

⁷² Matt Zapotosky, Devlin Barrett & Josh Dawsey, *Barr says he hasn't seen fraud that could affect the election outcome*, Wash. Post (Dec. 1, 2020, 7:58 PM), https://www.washingtonpost.com/national-security/barr-no-evidence-election-fraud/2020/12/01/5f4dcaa8-340a-11eb-8d38-6aea1adb3839_story.html; Siobhan Hughes, *GOP Senate Leader McConnell Rejects Trump's Fraud Claims*, WSJ (Jan. 6, 2021, 1:55 PM), <https://www.wsj.com/livecoverage/biden-trump-electoral-college-certification-congress/card/D3m1htBWktXPI0Lv4tuB>; Cybersecurity & Infrastructure Security Agency, *Joint Statement From Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees* (Nov. 12, 2020), <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>; Nick Corasaniti, Reid J. Epstein & Jim Rutenberg, *The Times Called Officials in Every State: No Evidence of Voter Fraud*, N.Y. Times (Nov. 10, 2020, updated Nov. 6, 2021), <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html?action=click&module=Spotlight&pgtype=Homepage>; Yelena Dzhanova, *A Team of Republican lawyers, judges, and former senators reviewed dozens of lawsuits alleging voter fraud in the 2020 election and concluded there was none*, Insider (July 16, 2022, 11:05 AM), <https://www.businessinsider.com/gop-lawyers-reviewed-voter-fraud-lawsuits-presidential-election-2022-7>.

that people (the “mules”) made multiple trips to ballot boxes to illegally deposit ballots. In *2000 Mules*, Defendants present surveillance footage, like that of Mr. Andrews, as supposedly corroborating evidence of their claims about the geolocation data.

94. Defendants’ reliance on cellular geolocation data to support their mules narrative in and of itself shows a reckless disregard for the truth. It has been well-demonstrated by multiple authorities that the type of geolocation data relied upon by Defendants is not precise enough to determine whether an individual deposited a ballot in a drop box.⁷³ These authorities include the source of some of the geolocation data itself (discussed below), as well as independent journalistic

⁷³ Reuters Fact Check, *Fact Check-Does ‘2000 Mules’ provide evidence of voter fraud in the 2020 U.S. presidential election?*, Reuters (May 27, 2022, 8:29 AM), <https://www.reuters.com/article/factcheck-usa-mules/fact-check-does-2000-mules-provide-evidence-of-voter-fraud-in-the-2020-u-s-presidential-election-idUSL2N2XJ0OQ>; Rick Earle, *Investigation exposes critical limitations of 911 emergency call system and cellphones*, WPXI (Sept. 9, 2020, 8:59 PM), <https://www.wpxi.com/news/investigates/investigation-exposes-critical-limitations-911-emergency-call-system-cellphones/GXCYFYBJKJHRZBP53XBQYUQU2Y/>; Ali Swenson, *FACT FOCUS: Gaping holes in the claim of 2K ballot ‘mules’*, AP News (May 3, 2022), <https://apnews.com/article/2022-midterm-elections-covid-technology-health-arizona-e1b49d2311bf900f44fa5c6dac406762>; Mimi Swartz, *How True the Vote Fabricates Claims of Election Fraud, for Fun and Profit*, Texas Monthly (Aug. 22, 2022), <https://www.texasmonthly.com/news-politics/true-the-vote-election-fraud/>.

sources including but not limited to *Texas Monthly*, *The Associated Press*, *The New York Times*, *The Washington Post*, *PolitiFact*, and high-profile experts.

95. Moreover, Georgia’s ballot drop boxes in 2020 tended to be located in high-traffic areas including shopping centers and public buildings.⁷⁴ According to experts, “[t]he entirety of [Defendants’] claim rests on cell phone location data, which doesn’t remotely show that people were actually using the drop boxes (it doesn’t have the granularity to show that, as opposed to just walking or even driving by)”⁷⁵ Another expert notes that cellphone geodata is: “not accurate enough to tell if someone stopped at a ballot box, or if someone simply walked near the box If it is a high-traffic area, I can think of any number of legitimate reasons why someone would be in the vicinity of a ballot box.”⁷⁶ Defendants have recklessly disregarded these crucial facts and instead continue to assert authoritatively—and falsely—that geolocation data proves that Mr. Andrews and others engaged in mass election fraud.

⁷⁴ Reuters Fact Check, *Fact Check-Does ‘2000 Mules’ provide evidence of voter fraud in the 2020 U.S. presidential election?*, Reuters (May 27, 2022, 8:29 AM), <https://www.reuters.com/article/factcheck-usa-mules/fact-check-does-2000-mules-provide-evidence-of-voter-fraud-in-the-2020-u-s-presidential-election-idUSL2N2XJ0OQ>.

⁷⁵ *Id.*

⁷⁶ Robert Farley, *Evidence Gaps in ‘2000 Mules’*, FactCheck (June 10, 2022, updated June 13, 2022), <https://www.factcheck.org/2022/06/evidence-gaps-in-2000-mules/>.

96. Defendants have made other misrepresentations about the geolocation data which they claimed buttressed their mules narrative.⁷⁷

97. For example, Defendants D’Souza and Phillips claimed that they used geolocation data from the Armed Conflict Location & Event Data Project (“ACLED”) to show that, in the Atlanta area, “dozens and dozens and dozens of our mules” attended violent protests. According to the film, the data therefore demonstrates that many mules are “violent criminals.”⁷⁸

98. But these claims are false. ACLED itself entirely disclaimed that its data could be used for Defendants’ claims in *2000 Mules*, with its leaders telling National Public Radio (“NPR”): “This is not what we do,” and “[t]his is not the type of analysis you can use ACLED data for”⁷⁹ For example, contrary to Defendants’ claims, ACLED data does not include specific locations inside a city,

⁷⁷ Further, even the imagery used in the film to depict an alleged “mule” in Atlanta is misleading. A map that Defendants claim depict the path of a mule in Atlanta is not actually of Atlanta – a fact which Defendant Phillips admitted to a reporter who noted this. However, the claim that it’s a depiction of Atlanta remains in the film. Philip Bump, *Even the geolocation maps in ‘2000 Mules’ are misleading*, Wash. Post (May 19, 2022, 2:33 PM, updated May 19, 2022, 4:48 PM), <https://www.washingtonpost.com/politics/2022/05/19/even-geolocation-maps-2000-mules-are-misleading/>.

⁷⁸ Tom Dreisbach, *A Pro-Trump film suggests its data are so accurate, it solved a murder. That’s false*, NPR (May 17, 2022, 4:05 PM), <https://www.npr.org/2022/05/17/1098787088/a-pro-trump-film-suggests-its-data-are-so-accurate-it-solved-a-murder-thats-fals>.

⁷⁹ *Id.*

such as neighborhoods or city blocks, where protests took place.⁸⁰ Nor does ACLED track the time of day of those incidents or track individual participants.⁸¹

99. Defendants have likewise misrepresented their techniques for analyzing this data in order to amplify their narrative. Defendants Engelbrecht and Phillips have claimed that they used “high-powered computers” at “the High Performance Computing Center on the campus of Starkville, Miss[issippi].”⁸²

100. NPR investigated and determined that Phillips was referring to the Portera High Performance Computing Center, which houses the High Performance Computing Collaboratory at Mississippi State University in Starkville. However, the University stated that it “has done zero analysis or computing on behalf of True the Vote.”⁸³ According to the University, the closest that Defendant Phillips has been to the computing center was a “publicly available tour.”⁸⁴

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² The Charlie Kirk Show, *How They Did It - True the Vote's Catherine Engelbrecht and Gregg Phillips on The Charlie Kirk Show*, Rumble (Apr. 8, 2022), <https://rumble.com/v10ajh2-how-the-did-it-true-the-votes-catherine-engelbrecht-and-gregg-phillips-on-t.html> [perma.cc/WAT2-9QFQ].

⁸³ Tom Dreisbach, *A Pro-Trump film suggests its data are so accurate, it solved a murder. That's false*, NPR (May 17, 2022, 4:05 PM), <https://www.npr.org/2022/05/17/1098787088/a-pro-trump-film-suggests-its-data-are-so-accurate-it-solved-a-murder-thats-fals>.

⁸⁴ *Id.*

101. In addition to these misrepresentations about geolocation data in *2000 Mules*, Defendants also misrepresented video evidence to prop up their baseless narrative. *2000 Mules* features surveillance footage, like that of Mr. Andrews, claiming to show visual evidence of “mules” allegedly illegally depositing ballots, allegedly connected to geolocation data that demonstrates that these individuals are “mules.” But upon information and belief, Defendants *never* had any means to connect this video footage of voters such as Andrews with their individualized cell phone geolocation data. In fact, ACLED has explained that it is not *possible* to connect this data to individual phones.⁸⁵

102. Moreover, Defendants appear to lack *any* surveillance footage that actually shows any individual depositing ballots at multiple locations.⁸⁶

103. In a May podcast episode, Defendant D’Souza admitted he and the other defendants had yet to release such footage, conceding, “we didn’t [release footage of a mule visiting multiple drop boxes] in the movie.”⁸⁷ Defendant

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ The Dinesh D’Souza Podcast, *Critiques and Rebuttals* (May 19, 2022, 1:35 PM), <https://podcasts.apple.com/us/podcast/critiques-and-rebuttals/id1547827376?i=1000562605416>.

D’Souza claimed: “I am going to do that and True the Vote is going to do that,”⁸⁸ but as of October 25, Defendants had not released any such footage.

104. When Defendants Phillips and Engelbrecht appeared at an August 2022 event at which they had promised to share their key evidence supporting the “mules” narrative that was not in the film, they showed up empty-handed and incredibly claimed that they must have been hacked.⁸⁹ Phillips told attendees they could pay to view additional footage on his website. He also described the video on his website—the purported key evidence—as: “It is junk. It is trash. They didn’t do a good job,” adding eventually: “Once you get into that video, it’s nonsense, complete nonsense.”⁹⁰

105. At times, Defendants even appear to have *acknowledged* that their assertions are baseless (and therefore made with actual malice). For example,

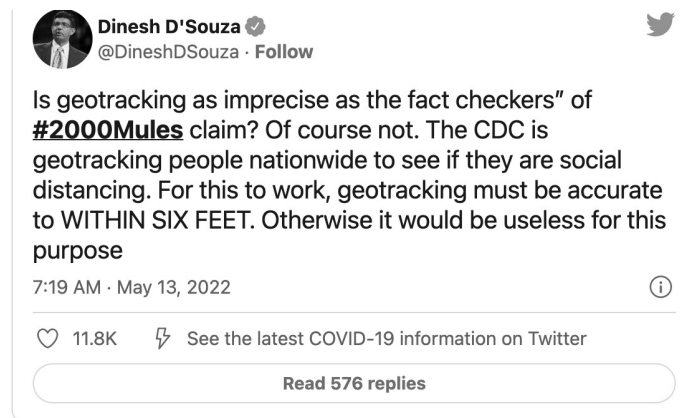
⁸⁸ *Id.*

⁸⁹ Matt Shuham, *WATCH: The Moment When The ‘2,000 Mules’ Folks Admit Their Supposed Evidence Is Nonsense*, TPM (Aug. 16, 2022, 4:21 PM), <https://talkingpointsmemo.com/news/watch-the-moment-when-the-2000-mules-folks-admit-their-supposed-evidence-is-nonsense>; Philip Bump, *Another year, another high-profile voter-fraud summit goes bust*, Wash. Post (Aug. 15, 2022, 1:37 PM), <https://www.washingtonpost.com/politics/2022/08/15/trump-voter-fraud-2020-election/>.

⁹⁰ Matt Shuham, *WATCH: The Moment When The ‘2,000 Mules’ Folks Admit Their Supposed Evidence Is Nonsense*, TPM (Aug. 16, 2022, 4:21 PM), <https://talkingpointsmemo.com/news/watch-the-moment-when-the-2000-mules-folks-admit-their-supposed-evidence-is-nonsense>.

Defendants' *2000 Mules* website includes a reference to "fact checkers" being wrong—and attempts to counter this by illogically stating that viewers indicated they were persuaded by the film.⁹¹

106. As early as May 13, 2022, Defendant D'Souza recognized that "fact-checkers" had debunked the reliability of geolocation data—admitting his own awareness about the falsity of the accusation, or at a minimum, his reckless disregard for the truth:⁹²



107. There is no evidence that the CDC is tracking people to see if they remain six feet apart to social distance, and Defendant D'Souza's baseless

⁹¹ 2000 Mules, <https://2000mules.com/> (last visited Sept. 30, 2022).

⁹² Dinesh D'Souza (@DineshDSouza), Twitter (May 13, 2022, 7:19 AM), <https://twitter.com/DineshDSouza/status/1525073340486008832>; [\[perma.cc/KT4B-T2PN\]](https://perma.cc/KT4B-T2PN).

assertion about the CDC further demonstrates that he was, at a minimum, reckless in continuing to advance the *2000 Mules* narrative.

108. Moreover, as early as September 2021, the GBI informed Defendants that their geolocation data was insufficient evidence to support an investigation. The TTV Defendants requested that the GBI investigate its claims of ballot harvesting based on TTV’s geolocation data. In September 2021, the GBI informed Defendant TTV in a letter that they lacked credible evidence to support an investigation, explaining that Defendants had failed to “provide[] . . . any other kind of evidence that ties these cellphones to ballot harvesting.”⁹³

109. Defendants have also shown that they lack any credible basis for their false allegations by failing to provide such evidence to law enforcement when requested—leading to an inference that Defendants do not have any such evidence.

110. For example, in a letter to Defendant Phillips and others, then-GBI Director D. Victor Reynolds wrote that “there are no statements of witnesses and no names of any potential defendants to interview.”⁹⁴ Reynolds further noted:

⁹³ Mark Niese & Greg Bluestein, *GBI chief: Not enough evidence to pursue GOP’s ballot fraud claim*, Atlanta Journal (Oct. 21, 2021), <https://www.ajc.com/politics/gbi-chief-not-enough-evidence-to-pursue-gops-ballot-fraud-claim/YLBIKVC6OZFG7D3QIXR54UFPWU/>.

⁹⁴ Stephen Fowler (@stphnfwlr), Twitter (Oct. 21, 2021, 6:10 PM), https://twitter.com/stphnfwlr/status/1451309892824936452?ref_src=twsrc%

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“Saliently, it has been stated that there is ‘a source’ that can validate ballot harvesting. Despite repeated requests that source has not been provided to either the GBI or the FBI.”⁹⁵ Defendant TTV has refused to cooperate with Georgia’s election investigations, rejecting a request to disclose the names of people who they claim “harvested” ballots.⁹⁶

111. Similarly, in Arizona, the TTV Defendants presented their “mules” narrative in May 2022, and claimed they would provide additional data and evidence in support to the Attorney General’s Office. However, the TTV Defendants have reportedly ignored repeated requests for that evidence by Arizona’s Republican Attorney General Mark Brnovich, while continuing to claim that they had extensive geolocation data evidence of election fraud that they would soon provide.⁹⁷ Indeed, on October 14, 2022, Brnovich’s office sent a letter to the

[5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1451309892824936452%7Ctwgr%5E631f4fal1f292e2f7e055a86ede8fbda728c0e6b7%7Ctwcon%5Es1__&ref_url=https%3A%2F%2Fwww.gpb.org%2Fnews%2F2021%2F10%2F22%2Fgbi-says-gops-cellphone-data-lacks-enough-evidence-prove-ballot-harvesting.](https://www.gpb.org/news/2021/10/22/gbi-says-gops-cellphone-data-lacks-enough-evidence-prove-ballot-harvesting)

⁹⁵ *Id.*

⁹⁶ Mark Niese, *What 2000 Mules Leaves Out From Ballot Harvesting Claims*, Atlanta Journal (May 10, 2022), <https://www.ajc.com/politics/what-2000-mules-leaves-out-from-ballot-harvesting-claims/FFMNUU56RVBRNOLZKWHUREQPEU/>.

⁹⁷ Jeremy Duda, “2000 Mules” group ignored Arizona AG’s requests, Axios (Sept. 2, 2022), <https://www.axios.com/local/phoenix/2022/09/02/2000-mules-group-ignored-arizona-ags-requests-info>.

FBI and IRS noting that TTV had never provided any information, but had lied in public communications and to another law enforcement agency that it had.⁹⁸ Given that the organization was conducting extensive fundraising off of this lie, the letter noted “further review of its financials may be warranted.”⁹⁹

112. Prominent Republicans and allies of former President Trump have also publicly rejected the “mules” narrative.¹⁰⁰ For example, in videotaped testimony before the House Select Committee to Investigate the January 6th Attack on the United States Capitol made public on June 13, 2022, former Attorney General William Barr laughed when referencing *2000 Mules*, noting that it had not

⁹⁸ Jeremy Duda (@jeremyduda), Twitter (Oct. 14, 2022, 8:03 PM), https://twitter.com/jeremyduda/status/1581073342257242112?s=46&t=8TKaS-IAdIk_BgiDBmQW1w. The letter also debunked two other lies by the TTV Defendants: that they had caught a person who had delivered multiple ballots in San Luis, Arizona, and that they had helped solve a murder in Atlanta.

⁹⁹ *Id.*

¹⁰⁰ Ann Coulter, *Dinesh’s Stupid Movie: And the grift goes on ...*, Substack (June 15, 2022, 1:30 PM), <https://anncoulter.substack.com/p/dineshs-stupid-movie?s=rI>; Khaya Himmelman, *Fact Checking Dinesh D’Souza’s ‘2,000 Mules’: The film’s ballot harvesting theory is full of holes.*, The Dispatch Fact Check (May 21, 2022), <https://factcheck.thedispatch.com/p/fact-checking-dinesh-dsouzas-2000>; Amanda Carpenter, *Dinesh D’Souza’s 2000 Mules Is a Hilarious Mockumentary*, Bulwark (May 17, 2022, 5:14 AM), <https://www.thebulwark.com/dinesh-dsouzas-2000-mules-is-a-hilarious-mockumentary/>; Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>.

changed his conclusion that there was no widespread fraud in the 2020 election.¹⁰¹

Barr detailed why he found the film unconvincing, including the unreliability of cellphone data, and deemed the photographic evidence “lacking.”¹⁰²

113. Right-wing commentator Ann Coulter debunked *2000 Mules* in a detailed post on her “Unsafe” blog, citing geolocation data experts. She explained:

First, the movie doesn’t show what it says it shows.

– Cellphone tracking isn’t precise enough to distinguish between liberal activists stuffing drop boxes, and store owners, police officers, delivery men and others who have perfectly legitimate reasons to be within a few yards of the same drop box every day.

– In all five battleground states D’Souza considers, it is perfectly legal for third parties to drop off ballots for others, with varying degrees of lenience. Pennsylvania, for example, allows a grandparent, grandchild, uncle, aunt, niece, nephew, in-law, household member, caregiver or jailer to drop off someone else’s ballot.

– Even if every cellphone dot represented a left-wing organizer illegally dropping off another person’s ballot, that still wouldn’t make the ballot invalid. A legal ballot can be illegally delivered, although the guy who delivered it might be in trouble.¹⁰³

¹⁰¹ Grace Panetta, *Former AG Bill Barr laughs at Dinesh D’Souza’s election conspiracy theory film ‘2000 Mules’ in January 6 Committee deposition*, Insider (June 13, 2022, 1:16 PM), <https://www.businessinsider.com/bill-barr-mocks-2000-mules-film-january-6-deposition-video-2022-6>.

¹⁰² *Id.*; January 6 Hearings, *Second Hearing on Investigation of January 6 Attack on the U.S. Capitol*, C-Span (June 13, 2022), <https://www.c-span.org/video/?520804-1/hearing-investigation-capitol-attack>.

¹⁰³ Ann Coulter, *Dinesh’s Stupid Movie: And the grift goes on ...*, Substack (June 15, 2022, 1:30 PM), <https://anncoulter.substack.com/p/dineshs-stupid-movie?s=rl>.

She also detailed how in her view, Trump’s 2020 loss did not “cr[y] out for an explanation,” based on his poor polling and failure to keep campaign promises.¹⁰⁴

114. Additionally, conservative commentator Ben Shapiro noted: “I think the conclusions of the film are not justified by the premises of the film itself. There are a bunch of dots that need to be connected.”¹⁰⁵

115. Defendants were aware of the evidence debunking their narrative and of the widely publicized rejection of their lies, further supporting the conclusion that they had knowledge of the falsity of their statements or recklessly disregarded the truth.

116. For example, when Mr. Barr’s testimony became public, Defendant Engelbrecht appeared on a podcast and stated that she was aware of Mr. Barr’s rejection of the “mules” narrative, and was “disappointed.”¹⁰⁶ Nonetheless, she has

¹⁰⁴ *Id.*

¹⁰⁵ Ben Shapiro, *Ben Shapiro REACTS To The “2000 Mules” Documentary*, YouTube (May 10, 2022), <https://www.youtube.com/watch?v=BnYWx2Ozahk>.

¹⁰⁶ Zachary Leeman, *‘We’re Coming for You, Bro!’ Steve Bannon Loses it on Bill Barr After Jan. 6 Hearings*, MEDIAite (June 14, 2022, 10:02 AM), <https://www.mediaite.com/politics/were-coming-for-you-bro-steve-bannon-loses-it-on-bill-barr-after-jan-6-hearings/>.

continued to repeat the false allegations. Defendant D’Souza was also aware of Mr. Barr’s rejection, and the debunking on which he relied.¹⁰⁷

117. Additionally, Fox News and Newsmax—historically supporters of former President Trump—appear to have declined to promote the film. When Defendant Engelbrecht appeared on *Tucker Carlson* alongside the unblurred clip of Mr. Andrews, she carefully avoided mentioning the film itself. Defendant D’Souza himself noted those networks’ decision was likely due to concerns that *2000 Mules* would expose them to further legal liability beyond the defamation litigation they are already facing for spreading other lies about the 2020 election being stolen.¹⁰⁸

¹⁰⁷ Dinesh D’Souza (@DineshDSouza), Twitter (June 13, 2022, 12:02 PM), <https://twitter.com/DineshDSouza/status/1536378544254644224>.

¹⁰⁸ Yelena Dzhanova, *Trump Rails Against Fox News, saying the network hasn’t aired a movie alleging widespread voter fraud in the 2020 election*, Insider (May 15, 2022, 8:50 AM), <https://www.businessinsider.com/trump-rails-against-fox-news-not-airing-2000-mules-movie-2022-5?r=US&IR=T>; Justin Baragona, *Fox News Anchor Rebukes GOP Rep. for Promoting D’Souza’s Batshit Movie*, Daily Beast (May 29, 2022, 12:18 PM), <https://www.thedailybeast.com/fox-news-anchor-sandra-smith-rebukes-mo-brooks-for-pushing-dinesh-dsouza-movie-2000-mules>; Dinesh D’Souza (@DineshDSouza), Twitter (May 12, 2022, 9:00 AM), <https://twitter.com/DineshDSouza/status/1524736307024609283> [perma.cc/9LRB-S3B3]; Dinesh D’Souza (@DineshDSouza), Twitter (June 30, 2022, 8:47 AM), <https://twitter.com/DineshDSouza/status/1542489989551898626> [perma.cc/QZ84-8XKX]; Dinesh D’Souza (@DineshDSouza), Twitter (May 9, 2022, 10:47 AM), <https://twitter.com/DineshDSouza/status/1523676024336424960>

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118. Defendant D’Souza thus demonstrated that he had actual knowledge that the statements in *2000 Mules* and the trailer for it are baseless enough to potentially subject publishers to liability.¹⁰⁹

[perma.cc/A2ZL-FUP4]; Dinesh D’Souza (@DineshDSouza), Twitter (May 9, 2022, 9:40 AM),

<https://twitter.com/DineshDSouza/status/1523659231341461504>

[perma.cc/ZX8D-GHUD]; Adam Staten, *D’Souza Targets Fox News, Says Network Banning Mention of ‘2000 Mules’*, Newsweek (May 12, 2022, 10:57 AM), <https://www.newsweek.com/dsouza-targets-fox-news-says-network-banning-mention-2000-mules-1706047>.

¹⁰⁹ Dinesh D’Souza (@DineshDSouza), Twitter (May 12, 2022, 9:00 AM), <https://twitter.com/DineshDSouza/status/1524736307024609283>

[perma.cc/9LRB-S3B3]; Yelena Dzhanova, *Trump Rails Against Fox News, saying the network hasn’t aired a movie alleging widespread voter fraud in the 2020 election*, Insider (May 15, 2022, 8:50 AM),

<https://www.businessinsider.com/trump-rails-against-fox-news-not-airing-2000-mules-movie-2022-5?r=US&IR=T>;

Dinesh D’Souza (@DineshDSouza), Twitter (June 30, 2022, 8:47 AM),

<https://twitter.com/DineshDSouza/status/1542489989551898626>

[perma.cc/QZ84-8XKX]; Dinesh D’Souza (@DineshDSouza), Twitter (May 9, 2022, 10:47 AM),

<https://twitter.com/DineshDSouza/status/1523676024336424960>

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D. Defendants were aware of the May 17, 2022, public clearing of Mr. Andrews.

119. In addition to Defendants' knowledge and/or reckless disregard of the truth from the beginning that their "evidence" of the "mules" conspiracy was a sham and that their allegations of criminality against Mr. Andrews were baseless, Defendants had actual knowledge of the May 17, 2022, public clearing of Mr. Andrews by the GBI and SEB.

120. Defendant D'Souza was aware that Mr. Andrews had acted legally at least by May 18, 2022. On the May 18 episode of "The Dinesh D'Souza Podcast," Defendant D'Souza mentions having read his own exchange with a reporter in the *Washington Post*.¹¹⁰ That article states: "On Tuesday, the state elections board dismissed related complaints,"¹¹¹ referencing *2000 Mules*, and links to a separate

[perma.cc/A2ZL-FUP4]; Dinesh D'Souza (@DineshDSouza), Twitter (May 9, 2022, 9:40 AM),

<https://twitter.com/DineshDSouza/status/1523659231341461504>

[perma.cc/ZX8D-GHUD]; Adam Staten, *D'Souza Targets Fox News, Says Network Banning Mention of '2000 Mules'*, Newsweek (May 12, 2022, 10:57 AM), <https://www.newsweek.com/dsouza-targets-fox-news-says-network-banning-mention-2000-mules-1706047>.

¹¹⁰ D'Souza Media, *Episode 333: Unlawful Conduct*, <https://dineshdsouza.com/podcast/episode-333-unlawful-conduct/> (last visited Sept. 30, 2022).

¹¹¹ Philip Bump, *Discussing the gaps in '2000 Mules' with Dinesh D'Souza*, Wash. Post (May 17, 2022, 4:27 PM), <https://www.washingtonpost.com/politics/2022/05/17/discussing-gaps-2000-mules-with-dinesh-dsouza>.

Washington Post article detailing the dismissal of the allegations against

Mr. Andrews.¹¹²

121. In the same podcast episode, D’Souza refers to an *Atlanta Journal-Constitution* article specifically about the SEB’s dismissal of the complaint against

Mr. Andrews.¹¹³

122. The TTV Defendants were also aware at least by May 17, 2022, that the allegations against Mr. Andrews were false because the *Washington Post* contacted them for comment on a story about the GBI finding the claims about Mr. Andrews to be false. In a May 17 *Washington Post* article, Defendant Phillips went so far as to acknowledge the falsity of Defendants’ portrayal of Mr. Andrews when confronted with the facts of the GBI investigation, admitting of Mr. Andrews: “That’s not a mule to us.”¹¹⁴ Defendant Engelbrecht provided no comment.

¹¹² Matthew Brown & Amy Gardner, *Georgia elections board dismisses allegations of ballot harvesting*, Wash. Post (May 17, 2022, 2:19 PM), <https://www.washingtonpost.com/politics/2022/05/17/georgia-elections-board-dismisses-ballot-harvesting-complaints>.

¹¹³ Mark Niese, *Georgia investigation dispels allegations highlighted in ‘2000 Mules’*, Atlanta Journal (May 17, 2022), <https://www.ajc.com/politics/georgia-investigation-dispels-allegations-highlighted-in-2000-mules/DREWO27XXBF7PB4DGTBXWGQYV4/>.

¹¹⁴ Matthew Brown & Amy Gardner, *Georgia elections board dismisses allegations of ballot harvesting*, Wash. Post (May 17, 2022, 2:19 PM),

(cont’d)

123. Yet, in the weeks and months that followed, Defendant Phillips and the other Defendants have continued to advance the false claim that Mr. Andrews is a “mule” who committed crimes, as detailed more fully below. The TTV Defendants have never retracted their statements about Mr. Andrews, and their social media still contains promotion for *2000 Mules*, as well as interviews in which Defendant Phillips repeats his lies about Mr. Andrews.¹¹⁵

124. In fact, while Defendants have continued to promote the film, the trailer for the film, and promotional links remain on TTV’s website and social media, the TTV Defendants have at the same time attempted to distance themselves from D’Souza’s subsequent book that expands on the claims in *2000 Mules*.¹¹⁶

<https://www.washingtonpost.com/politics/2022/05/17/georgia-elections-board-dismisses-ballot-harvesting-complaints>.

¹¹⁵ Further, during a May 31 public presentation, Defendant Phillips sat alongside Engelbrecht and claimed that his “method” did not have false positives. True the Vote shared footage of other parts of this presentation on their website. True The Vote, Facebook, <https://www.facebook.com/TrueTheVote> (last visited Oct. 1, 2022); True the Vote, *Arizona Senate Hearing May 31, 2022*, Rumble (June 1, 2022), <https://rumble.com/v16z0k3-arizona-senate-hearing-may-31-2022.html>; True the Vote, *Bombshell Testimony from True the Vote at Arizona Joint Legislative Hearing* (June 1, 2022), <https://www.truethetvote.org/bombshell-testimony-from-true-the-vote/>.

¹¹⁶ Tom Dreisbach, *A publisher abruptly recalled the ‘2,000 Mules’ election denial book. NPR got a copy.*, NPR (Sept. 8, 2022, 12:44 PM), <https://www.npr.org/2022/09/08/1121648290/a-publisher-abruptly-recalled-the-2-000-mules-election-denial-book-npr-got-a-cop>.

E. Defendants continue to spread false accusations, despite knowledge of their falsity.

125. Despite the GBI's and SEB's public and unequivocal demonstration that Defendants' claims about Mr. Andrews are false, Defendants have persisted in their course of defamatory and intimidating conduct by continuing to make false statements about Mr. Andrews, publicizing his image in order to promote their film and its falsehoods, disseminating the trailer for the film, and distributing *2000 Mules* without correction.

126. Notwithstanding Defendant Phillips' acknowledgment on May 17 to the *Washington Post* that the portrayal of Mr. Andrews was false, his interviews alongside Defendant Engelbrecht repeating the lie and promotions for *2000 Mules* remain on TTV's website and social media pages.¹¹⁷

¹¹⁷ True the Vote, "How They Did It": The Charlie Kirk Show Features True the Vote Bombshell Election Integrity Revelations (Apr. 7, 2022), [https://www.truethetvote.org/the-charlie-kirk-show-features-true-the-vote/\[https://perma.cc/5A62-U4J2\]](https://www.truethetvote.org/the-charlie-kirk-show-features-true-the-vote/[https://perma.cc/5A62-U4J2]); @RealTrueTheVote, *Special Thanks to Charlie Kirk*, Instagram (Apr. 8, 2022), [https://www.instagram.com/p/CcGy5Q2p8aC/\[https://perma.cc/C69E-3EBV\]](https://www.instagram.com/p/CcGy5Q2p8aC/[https://perma.cc/C69E-3EBV]); True the Vote, *Charlie Kirk Interviews True the Vote*, Rumble (Apr. 13, 2022), <https://rumble.com/v10ubu3-charlie-kirk-interviews-true-the-vote.html?mref=hsiw&mrefc=2> [https://perma.cc/ZD2C-VHTJ]; True the Vote, *ICYMI: Here's our full interview with Charlie Kirk on the Charlie Kirk Show.*, Facebook, <https://www.facebook.com/plugins/post.php?href=https%3A%2F%2Fwww.facebook.com%2FTrueTheVote%2Fposts%2Fpfbid038MbJziMYJ9GcNXgHRtyti>

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127. Despite Defendant D’Souza’s May 18 acknowledgment on his podcast that the claims against Mr. Andrews had been refuted by the GBI and dismissed by the SEB, he has continued to promote *2000 Mules* across multiple media.¹¹⁸

128. In fact, *2000 Mules*’ public box office premiere was the weekend of May 20, 2022—three days *after* the GBI publicly refuted the claims about Mr. Andrews and the SEB dismissed the complaint against him.¹¹⁹ During opening weekend, the film played in 415 theaters and made more than three quarters of a

[X2Wy2k44Z6vw1cFghWnJtfH9X3TPZYtkov9THZG1GMTl&show_text=true &width=500 \[https://perma.cc/D6TL-F8YJ\]](https://www.true-the-vote.com/news/X2Wy2k44Z6vw1cFghWnJtfH9X3TPZYtkov9THZG1GMTl&show_text=true&width=500) (last visited Sept. 30, 2022); True the Vote, ‘*Local Insurgencies*’: *The Epoch Times Features Interview With True the Vote About Who Is Funding the Ballot Mules* (May 14, 2022), <https://ttvdevv.wpengine.com/the-epoch-times-interview-about-who-is-funding-the-ballot-mules/> [https://perma.cc/G6RG-BLU7]; True the Vote, *Epoch Times Obama Affiliated NGOs Poured Billions to Steal Elections*, Rumble (May 13, 2022), <https://rumble.com/v14no71-epoch-times-obama-affiliated-ngos-poured-billions-to-steal-elections.html?mref=hsiw&mrefc=6> [https://perma.cc/LP3R-B9NK]; True the Vote, *News*, <https://www.true-the-vote.org/news/> (Oct. 13, 2022).

¹¹⁸ Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 20, 2022, 12:13 PM), <https://twitter.com/DineshDSouza/status/1572257554348281856>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 9, 2022, 5:08 PM), <https://twitter.com/DineshDSouza/status/1568345679637905408>.

¹¹⁹ Box Office Mojo, *2000 Mules*, https://www.boxofficemojo.com/release/rl2915074817/?ref=bo_tt_gr_1 (last visited Oct. 1, 2022).

million dollars.¹²⁰ In total the film’s theatrical run has earned more than \$1.4 million for the producers, including Defendants.¹²¹

129. Defendants have also continued to promote the film and its false narrative—including using the trailer showing Mr. Andrews’ image as an example of a mule—in an attempt to drive sales and spread their lies.

130. For example, on May 21, 2022, Defendant D’Souza appeared on OANN’s “Weekly Briefing with Chanel Rion” show. Alongside the TTV clip of Mr. Andrews voting, Defendant D’Souza reiterated his false narrative: “a mule is a paid operative who is delivering these fraudulent and illegal votes” to multiple drop boxes. With Mr. Andrews’ image on screen (face blurred), Defendant D’Souza claimed that there was widespread fraud during the 2020 election.¹²²

131. This interview added additional material containing racist undertones to Defendants’ assertions about Mr. Andrews. During the interview, the host, Chanel Rion noted: “One of the things this film alludes to is the fact that some of these mules may also be tied to violent leftwing actors or may be violent leftwing

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Media Matters, *From the May 21, 2022, edition of OAN’s Weekly Briefing*, <https://www.mediamatters.org/media/3988753> (last visited Oct. 2, 2022).

actors who protested at the BLM [Black Lives Matter] riots over the summer of 2020.”¹²³ Defendant D’Souza responded, again making false statements:

Out of 240 mules, 242 mules in Atlanta, something like 67 of them were in the **violent antifa BLM riots**. It doesn’t look to me like that’s likely to be a population of cops, it’s more likely that the Democrats, who by the way dominate these inner cities, **basically went to these antifa BLM guys and said: “Look you’ve had enough fun burning cities and pulling people out of their cars and beating them up, why don’t we pay you to do a different kind of operation that might help our guys to get to the White House.”**¹²⁴

132. Mr. Andrews has never been part of any “violent antifa riot.”

133. On May 17, 2022, Defendant D’Souza appeared on OANN’s *Real America with Dan Ball*.¹²⁵ He shared the *2000 Mules* trailer in its entirety, including the clip of Mr. Andrews voting with Defendant D’Souza’s voiceover describing it as “evidence” of an organized crime scheme.¹²⁶

134. Later in the May 17 interview, while discussing the purported fraud scheme, he again played the TTV clip of Mr. Andrews voting, while the host asked

¹²³ Chanel Rion OAN (@ChanelRion), Twitter (May 23, 2022, 2:59 PM), <https://twitter.com/ChanelRion/status/1528812903494819842>.

¹²⁴ *Id.*

¹²⁵ One America News Network, *Real America – Dan Ball w/ Dinesh D’Souza, Everyone Needs to Watch 2,000 Mules*, Rumble (May 17, 2022), <https://rumble.com/v1548vv-real-america-dan-ball-w-dinesh-dsouza-everyone-needs-to-watch-2000-mules-51.html>.

¹²⁶ *Id.*

about “ballot stuffers” making five to ten dollars per ballot.¹²⁷ In the same interview, Defendant D’Souza seemed to acknowledge that the GBI had publicly cleared Mr. Andrews that morning, while still falsely asserting that Mr. Andrews was a “mule.” D’Souza commented that “fact checkers”—presumably referring to the GBI investigation—were incorrect, referencing the finding that Mr. Andrews was legally dropping off his family members’ ballots:

It’s really hard to argue, because when you look at what the fact checkers are saying, it doesn’t really square with what’s in the film. So they’ll say things like, well, you know, in Georgia, people are allowed to return ballots for their family members. That’s true, but if you’re returning ballots for your family members, why would you go to more than one drop box? You’d go to one to drop them off, you go home. We’re looking at mules that went to a minimum of ten drop boxes. And, as you know, if you’ve seen that video in the film

135. This interview indicates that Defendant D’Souza knew of the GBI investigation’s findings, but nonetheless falsely stated that Mr. Andrews would not have been depicted in the film if he had not been to at least ten drop boxes. In fact, Mr. Andrews went to one drop box on one occasion to deposit his family’s ballots.

136. On May 23, 2022, Defendant D’Souza also appeared on “KUSI News” on San Diego channel KUSI.¹²⁸ Mr. Andrews’ image was shown (with his

¹²⁷ *Id.*

¹²⁸ KUSI Newsroom, *Dinesh D’Souza on the success of his new film, ‘2000 Mules’*, Kusi (May 23, 2022), <https://www.kusi.com/dinesh-dsouza-on-the->

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face blurred) as Defendant D’Souza described *2000 Mules* as “damning evidence”—again falsely portraying the image of Mr. Andrews as evidence of the election fraud scheme.¹²⁹ The TTV clip of Mr. Andrews voting was shown a second time as Defendant D’Souza spoke about how the purported “mules” wore gloves to avoid leaving fingerprints.¹³⁰ He explained the scheme:

These mules are paid operators who deliver illegal and fraudulent votes to mail-in drop boxes and by monitoring the movement of their phones, you can show these guys go from one drop box to another to another to another and track their movements in the crucial weeks leading up to the election.¹³¹

137. Defendant D’Souza elaborated that the “mules” were paid ten dollars per ballot. He further claimed that the filmmakers “set a very high bar, because you don’t want to get false positives” for deeming a person a mule: “ten or more drop boxes, because there’s no rational or innocent reason to go to more than ten. Even if you’re dropping off the votes of your family members, you’re going to go to one drop box and put them all in there, why would you go to ten?”¹³² These statements again indicate that Defendant D’Souza was aware that the GBI had investigated

[success-of-his-new-film-2000-mules/?fbclid=IwAR3LB8eLsSXx0xKeLxQvaNnYn84JdbN6tiSQaQ7c0rkmVTZGQRcvwRaGUE4.](#)

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

and found that Mr. Andrews was dropping off his family members' ballots—but continued to lie about him anyway.

138. On June 18, 2022, a Twitter user retweeted a video of the SEB presentation with a caption questioning Defendant D'Souza's false narrative.¹³³ Defendant D'Souza replied to the tweet that day, calling the investigation "bogus" because the investigator got his information from "the mule himself," referring to Mr. Andrews. He omitted that the GBI investigator made clear he had conducted additional research. Defendant D'Souza was clearly aware of the investigation's findings, yet continued to baselessly accuse Mr. Andrews of being a "mule."

139. On June 3, 2022, more than two weeks after the SEB dismissed the complaint against Mr. Andrews, *Facts Matter with Roman Balmakov*, the Epoch Times show, aired an interview with Defendants Engelbrecht and Phillips.¹³⁴ TTV's clip of Mr. Andrews was shown as Mr. Balmakov introduced Defendants Engelbrecht and Phillips and their false narrative.

¹³³ Dinesh D'Souza (@DineshDSouza), Twitter (June 18, 2022, 1:26 PM), <https://twitter.com/DineshDSouza/status/1538211490741772289> [perma.cc/7PBM-9224].

¹³⁴ Roman Balmakov, Facts Matter, *Exclusive: Ballot Mules Funded by Obama-Linked NGOs Pouring Billions Into 'Local Insurgencies'*, YouTube (June 3, 2022), <https://www.youtube.com/watch?v=LoRp9PpiNQE> [<https://perma.cc/9UCC-LQMK>].

140. More recently, Defendant D’Souza himself has appeared to recognize that *2000 Mules*—and using Mr. Andrews’ image as an example of a mule—exposes Defendants to liability. During a June 29, 2022, podcast, Defendant D’Souza explained that he blurred the faces of Mr. Andrews and the other individuals in the film to comply with lawyers’ demands and to get “movie insurance.”¹³⁵ Nonetheless, Defendants have used Mr. Andrews’ unblurred image in multiple other instances, including to promote the film on national television.

141. Defendants have continued to promote the film on social media and on their websites following the GBI and other debunking of its lies.¹³⁶

¹³⁵ The Dinesh D’Souza Podcast, *Blurring the Dog* (June 29, 2022, 1:32 PM), <https://podcasts.apple.com/us/podcast/blurring-the-dog/id1547827376?i=1000568148724>.

¹³⁶ *E.g.*, Dinesh D’Souza (@DineshDSouza), Twitter (Aug. 20, 2022, 6:28 PM), <https://twitter.com/DineshDSouza/status/1561117901385568257>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 6, 2022, 4:39 PM), <https://twitter.com/DineshDSouza/status/1567251267696590850>; True the Vote, *2000 Mules Team Launches New ‘Sheriffs Initiative’*, Facts Matter (June 29, 2022), <https://www.truethevote.org/2000-mules-team-launches-new-sheriffs-initiative-facts-matter/>; Gregg Phillips (@greggphllips), Truth Social <https://truthsocial.com/@greggphillips> (last visited Oct. 10, 2022); True the Vote (@truethevote), Truth Social (Sept. 13, 2022), <https://truthsocial.com/@truethevote/posts/108473455140392389>; True The Vote, *We had so many great people tune in Monday*, Facebook (May 25, 2022), <https://www.facebook.com/photo.php?fbid=378648854299239&set=pb.100064623822609.-2207520000..&type=3>.

142. In total, Defendants have appeared on at least eleven different programs spreading their false claims about Mr. Andrews and the 2020 election. At least three of these programs were *after* the May 17 public clearing of Mr. Andrews. These television programs alone reached well over 3.2 million viewers.

143. Defendants also disseminated Mr. Andrews' image and the accusations against him on multiple social media platforms—through trailers for *2000 Mules* and clips of Defendants' media appearances that included Mr. Andrews' image—that have been viewed over 5.8 million times.

144. In addition to the promotional appearances and trailer, the film itself showed in 415 theaters over just its opening weekend in May 2022. According to Defendant Salem Media, within the first two weeks, it was viewed by over a million people and generated over 10 million dollars in revenue.

145. This is in addition to the continued presence of the *2000 Mules* film, its trailer (including unblurred footage of Mr. Andrews and asserting that he committed election fraud crimes), and other promotional materials for the film, all available on Defendants' websites and social media pages.

146. As a foreseeable and intended result of Defendants' coordinated press tour to promote *2000 Mules*, others have repeated their claims and publicized Mr. Andrews' image in concert with these false allegations.¹³⁷

147. Defendants continue to republish their false narrative at the expense of innocent Americans, including Mr. Andrews and his family, despite their knowledge of its falsity or recklessness with respect to its falsity.

F. Defendants have profited and continue to attempt to profit from their false accusations against Mr. Andrews.

¹³⁷ For example, the Republican nominee for Arizona governor appeared on "Real America's Voice" to comment on a TTV presentation. She showed the unblurred image of Mr. Andrews, as well as his car and license plate, as she echoed Defendants' claims. John Fredericks, *Outside the Beltway, Kari Lake on the True the Vote Hearing in the AZ State Senate*, Real America's Voice, <https://americasvoice.news/kari-lake-on-the-true-the-vote-hearing-in-the-az-state-senate/> (last visited Sept. 30, 2022); *Outside the Beltway, Kari Lake on the True the Vote Hearing in the AZ State Senate*, Rumble (June 1, 2022), <https://rumble.com/v170zjd-kari-lake-on-the-true-the-vote-hearing-in-the-az-state-senate.html>; Beau Davidson, *Can 2000 Mules Change an Election?*, NTD (May 12, 2022), https://www.ntd.com/can-2000-mules-change-an-election_778513.html; Roman Balmakov, *Facts Matter, Exclusive: Ballot Mules Funded by Obama-Linked NGOs Pouring Billions Into 'Local Insurgencies'*, YouTube (June 3, 2022), <https://www.youtube.com/watch?v=LoRp9PpiNQE> [perma.cc/9UCC-LQMK]; Americas Best Pics, *Stolen Election? It Appears So - Trump Wins Just By Removing the Worst Offenders [2000 Mules]*, <https://americasbestpics.com/video/stolen-election-it-appears-so-trump-wins-just-by-removing-QbrsD4YX9> (last visited Sept. 30, 2022); The Salty Cracker, *Carpet Bomb Normies 2000 Mules ReeEEeE Stream 05-11-22*, Rumble (May 11, 2022), <https://rumble.com/v14e37k-carpet-bomb-normies-2000-mules-reeeeee-stream-05-11-22.html>.

148. That Defendants acted with actual malice is also demonstrated by the fact that their invention and propagation of the “mules” lie was a money-making scheme to enrich themselves at the expense of innocent voters, like Mr. Andrews, and of our democratic institutions.

149. Defendants made their false and defamatory statements at least in part to sell movie theater tickets, DVDs, streams of the film, and subscriptions to their other platforms in order to reward themselves financially. Defendants appropriated Mr. Andrews’ likeness in a widely circulated commercial for *2000 Mules* in an attempt to drive sales.

150. Defendants released *2000 Mules* in theaters first by renting out theaters and selling tickets themselves, and then formally releasing it on May 20, 2022, *after* the GBI had debunked the lies about Mr. Andrews. Defendants are currently selling streams and DVDs of the film for \$19.99 to purchase or \$14.99 to rent.¹³⁸ Defendant D’Souza also offers access to *2000 Mules* via streaming to anyone who buys a subscription to his account on locals.com—a platform that

¹³⁸ 2000 Mules, <https://2000mules.com/> (last visited Sept. 30, 2022); 2000 Mules, SalemNOW, <https://watch.salemnnow.com/series/xFOCFe59zfCS-2000-mules> (last visited Oct. 2, 2022). This is a discount from the original \$29.99 price. Dinesh D’Souza, *Back by Popular DEMAND! 2000 Mules in Theaters THIS WEEK*, Rumble (May 16, 2022), <https://rumble.com/v15083x-back-by-popular-demand-2000-mules-in-theaters-this-week.html> [perma.cc/65CB-5FYJ].

enables people to start a “subscription-based community” to “make money directly from their supporters.”¹³⁹

151. As of June, *2000 Mules* was 2022’s highest-earning “documentary,” according to a trade publication.¹⁴⁰ Defendant Salem Media reported on its August 2022 quarterly earnings call that within two weeks of the film’s release, more than a million people had seen it and it had generated \$10 million in revenue.¹⁴¹

152. The film’s website, 2000mules.com, includes a prominent box explaining that to screen the movie, one should purchase a DVD and then mail a check for \$5 per person who attends the screening to an LLC “C/O” Defendant

¹³⁹ Dinesh D’Souza, *Back by Popular DEMAND! 2000 Mules in Theaters THIS WEEK*, Rumble (May 16, 2022), <https://rumble.com/v15083x-back-by-popular-demand-2000-mules-in-theaters-this-week.html> [perma.cc/65CB-5FYJ]; Dinesh D’Souza, 2000 Mules, Locals, <https://dinesh.locals.com/post/2083099/2000-mules> (last visited Oct. 13, 2022).

¹⁴⁰ Christian Toto, *‘2000 Mules’ Is Year’s Top-Grossing Documentary (So Far)*, Hollywood in Toto (June 3, 2022), <https://www.hollywoodintoto.com/2000-mules-top-grossing-documentary/>.

¹⁴¹ Salem Media Group, *2000 Mules Becomes the Most Successful Political Documentary in a Decade, Seen by 1 Million* (May 12, 2022, 12:00 PM), <https://www.businesswire.com/news/home/20220511006114/en/2000-Mules-Becomes-the-Most-Successful-Political-Documentary-in-a-Decade-Seen-by-1-Million>; SA Transcripts, *Salem Media Group, Inc.’s (SALM) CEO David Santrella on Q2 2022 Results - Earnings Call Transcript*, Seeking Alpha (Aug. 6, 2022, 10:07 PM), <https://seekingalpha.com/article/4530981-salem-media-group-inc-s-salm-ceo-david-santrella-on-q2-2022-results-earnings-call-transcript>.

D'Souza's wife. The film itself "ends with a QR code that directs voters to a website where they can donate money to True the Vote."¹⁴²

153. Defendants TTV and D'Souza Media are enterprises that generate or aim to generate income for Defendants Engelbrecht, Phillips, and D'Souza.

154. TTV pays Defendant Engelbrecht a substantial salary. In addition, a *Reveal News* investigation showed that TTV reported loans to Defendant Engelbrecht of more than \$113,000, despite Texas law banning nonprofits from loaning money to directors.¹⁴³ TTV paid companies connected to Defendants Engelbrecht and Phillips nearly \$890,000 from 2014 to 2020.¹⁴⁴

155. By repeating lies about Mr. Andrews in *2000 Mules*, in the film's trailer, and in related promotional appearances, Defendants Engelbrecht and Phillips sought to drive revenue and raise the profiles of themselves and their organizations. Defendant Phillips' company, OPSEC Group LLC, claims to

¹⁴² Mark Niese, *What 2000 Mules Leaves Out From Ballot Harvesting Claims*, Atlanta Journal (May 10, 2022), <https://www.ajc.com/politics/what-2000-mules-leaves-out-from-ballot-harvesting-claims/FFMNUU56RVBRNOLZKWHUREQPEU/>.

¹⁴³ Cassandra Jaramillo, *She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Grift.*, *Reveal News* (June 8, 2022), <https://revealnews.org/article/true-the-vote-big-lie-election-fraud/>.

¹⁴⁴ *Id.*

analyze data for TTV and has derived substantial revenue for these services.¹⁴⁵

OPSEC has billed at least \$750,000 to TTV since November 2020.¹⁴⁶ Defendant Phillips first gained prominence by originating a discredited theory that former President Trump lost the popular vote in 2016 because of voter fraud.¹⁴⁷

156. As described above, Defendant Phillips sold access to a website where he claimed to share additional evidence of the mules scheme left out of the film.¹⁴⁸

¹⁴⁵ Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>.

¹⁴⁶ Mimi Swartz, *How True the Vote Fabricates Claims of Election Fraud, for Fun and Profit*, Texas Monthly (Aug. 22, 2022), <https://www.texasmonthly.com/news-politics/true-the-vote-election-fraud/>.

¹⁴⁷ Katie Forster, *Donald Trump's false claim about illegal votes 'based on unverified tweet posted on conspiracy website'*, Independent (Nov. 28, 2016, 8:12 AM), <https://www.independent.co.uk/news/world/americas/donald-trump-millions-illegal-aliens-voted-greg-phillips-three-million-tweet-infowars-alex-jones-a7443006.html>; Alex Samuels, *Trump says Texan is source for unsupported voter fraud claim*, Texas Tribune (Jan. 27, 2017, 11:00 AM), <https://www.texastribune.org/2017/01/27/trump-says-texan-source-unsupported-voter-fraud-cl/>.

¹⁴⁸ Matt Shuham, *WATCH: The Moment When The '2,000 Mules' Folks Admit Their Supposed Evidence Is Nonsense*, TPM (Aug. 16, 2022, 4:21 PM), <https://talkingpointsmemo.com/news/watch-the-moment-when-the-2000-mules-folks-admit-their-supposed-evidence-is-nonsense>; Philip Bump, *Another year, another high-profile voter-fraud summit goes bust*, Wash. Post (Aug. 15, 2022, 1:37 PM), <https://www.washingtonpost.com/politics/2022/08/15/trump-voter-fraud-2020-election/>.

157. Both Defendant Engelbrecht and TTV have been criticized across the political spectrum for, among other things, financial misdealing, manufacturing fears of voter fraud, racist targeting of voters, and falsely claiming to have evidence of voter fraud which they lacked.¹⁴⁹

158. Nonetheless, *2000 Mules* remains online and widely publicly available, and Defendants have not retracted their allegations. TTV's website and social media pages continue to promote the film and include interviews by Defendants Engelbrecht and Phillips that include Mr. Andrews' image.¹⁵⁰

¹⁴⁹ Richard Salame, *Was Election Denial Just a Get-Rich-Quick Scheme? Donors' Lawsuits Look for Answers.*, Intercept (Feb. 6, 2021, 11:00 AM), <https://theintercept.com/2021/02/06/election-deniers-profit-lawsuits/>; Cassandra Jaramillo, *True the Vote Raised Millions to Combat voter Fraud - But No One Really Knows Where the Money Went*, Mother Jones (June 8, 2022), <https://www.motherjones.com/politics/2022/06/catherine-engelbrecht-true-the-vote-raised-millions-to-combat-voter-fraud-but-no-one-really-knows-where-the-money-went/>; Mimi Swartz, *How True the Vote Fabricates Claims of Election Fraud, for Fun and Profit*, Texas Monthly (Aug. 22, 2022), <https://www.texasmonthly.com/news-politics/true-the-vote-election-fraud/>; Cassandra Jaramillo, *She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Grift.*, Reveal News (June 8, 2022), <https://revealnews.org/article/true-the-vote-big-lie-election-fraud/>; Dan Harris & Melia Patria, *Is True the Vote Intimidating Minority Voters From Going to the Polls?*, ABC News (Nov. 1, 2012, 1:27 PM), <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823>.

¹⁵⁰ True the Vote, *Is the house of cards finally falling? True the Vote founder Catherine Engelbrecht dropped some truth bombs on Tucker last night.*, Facebook (May 6, 2022),

(cont'd)

159. Defendants have a history of profiting off election lies.¹⁵¹ Over the last two presidential election cycles, Defendant TTV reportedly has raised millions of dollars by promoting false claims of election fraud.

160. In particular, Defendant TTV promotes and has substantially profited from the false claim that election fraud most often occurs in urban areas and among voters of color, and that voting by mail or absentee drop boxes is inherently

<https://www.facebook.com/watch/?v=1381334499041217&ref=sharing> [perma.cc/NE2K-M3PJ]; True the Vote, *'Local Insurgencies': The Epoch Times Features Interview With True the Vote About Who Is Funding the Ballot Mules* (May 14, 2022), <https://ttvdevv.wpengine.com/the-epoch-times-interview-about-who-is-funding-the-ballot-mules/> [<https://perma.cc/G6RG-BLU7>]; True The Vote, *They thought that with the movie launch, we were done.*, Facebook (May 8, 2022), <https://www.facebook.com/TrueTheVote/videos/335770281958423/> [perma.cc/MJ8R-G83G]; True the Vote, *"How They Did It": The Charlie Kirk Show Features True the Vote Bombshell Election Integrity Revelations* (Apr. 7, 2022), <https://ttvdevv.wpengine.com/the-charlie-kirk-show-features-true-the-vote/> [<https://perma.cc/4X9F-Y8SY>].

¹⁵¹ Richard Salame, *Was Election Denial Just a Get-Rich-Quick Scheme? Donors' Lawsuits Look for Answers.*, Intercept (Feb. 6, 2021, 11:00 AM), <https://theintercept.com/2021/02/06/election-deniers-profit-lawsuits/>; Cassandra Jaramillo, *True the Vote Raised Millions to Combat voter Fraud - But No One Really Knows Where the Money Went*, Mother Jones (June 8, 2022), <https://www.motherjones.com/politics/2022/06/catherine-engelbrecht-true-the-vote-raised-millions-to-combat-voter-fraud-but-no-one-really-knows-where-the-money-went/>; Mimi Swartz, *How True the Vote Fabricates Claims of Election Fraud, for Fun and Profit*, Texas Monthly (Aug. 22, 2022), <https://www.texasmonthly.com/news-politics/true-the-vote-election-fraud/>; Cassandra Jaramillo, *She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Gift.*, Reveal News (June 8, 2022), <https://revealnews.org/article/true-the-vote-big-lie-election-fraud/>.

fraudulent.¹⁵² Indeed, *2000 Mules* largely focuses on urban areas and many of the so-called “mules” shown in the film, including Mr. Andrews, are voters of color. Defendants’ lies about Mr. Andrews fit in with their predetermined narrative.

161. In November 2020, Defendant TTV was sued by a donor who gave TTV \$2.5 million to fund litigation that would prove that the 2020 election was stolen from Trump.¹⁵³ The donor alleged that TTV swindled him with false claims

¹⁵² Andy Sullivan, *Explainer: Despite Trump Claims, voter fraud is extremely rare. Here is how U.S. states keep it that way*, Reuters (Sept. 9, 2020, 6:08 AM), <https://www.reuters.com/article/us-usa-election-voter-fraud-facts-explai-idUSKBN2601HG>; Lee Fang & Nick Surgey, *Conservative Operatives Float Plan to Place Retired Military, Police Officers as GOP Poll Watchers on Election Day*, Intercept (Apr. 11, 2020, 6:00 AM), <https://theintercept.com/2020/04/11/republican-poll-watchers-vote-by-mail-voter-fraud/>; Suevon Lee, *A Reading Guide to True the Vote, the Controversial Voter Fraud Watchdog*, ProPublica (Sept. 27, 2012, 11:23 AM), <https://www.propublica.org/article/a-reading-guide-to-true-the-vote-the-controversial-voter-fraud-watchdog>; Dan Harris & Melia Patria, *Is True the Vote Intimidating Minority Voters From Going to the Polls?*, ABC News (Nov. 1, 2012, 1:27 PM), <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823>; AJ Vicens & Natasha Khan, *Election observers True the Vote accused of intimidating minority voters*, NBC News (Aug. 25, 2012, 8:02 AM), <https://www.nbcnews.com/news/investigations/election-observers-true-vote-accused-intimidating-minority-voters-flna964130>.

¹⁵³ Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>; Shawn Boburg & Jon Swaine, *A GOP donor gave \$2.5 million for a voter fraud investigation. Now he wants his money back.*, Wash. Post (Feb. 15, 2021, 1:30 PM),

(cont'd)

about evidence in its possession that the election was stolen, and that TTV improperly diverted much of the donation to people connected to Defendant Engelbrecht, including Defendant Phillips' company, OPSEC.¹⁵⁴ The litigation showed that TTV had repeatedly falsely claimed to be on the cusp of sharing evidence proving the election was stolen, but never really had such evidence.¹⁵⁵ Defendant Engelbrecht has said that ultimately some of those funds were used to launch the *2000 Mules* project—after paying TTV's legal fees.¹⁵⁶

https://www.washingtonpost.com/investigations/true-vote-lawsuit-fraud-eshelman/2021/02/15/a7017adc-6724-11eb-886d-5264d4ceb46d_story.html; Verified Complaint, *Eshelman v. True the Vote, Inc.*, No. 20-cv-04034 (S.D. Tex. Nov. 25, 2020), <https://www.documentcloud.org/documents/20417606-eshelman-v-true-the-vote>.

- ¹⁵⁴ Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>; Shawn Boburg & Jon Swaine, *A GOP donor gave \$2.5 million for a voter fraud investigation. Now he wants his money back.*, Wash. Post (Feb. 15, 2021, 1:30 PM), https://www.washingtonpost.com/investigations/true-vote-lawsuit-fraud-eshelman/2021/02/15/a7017adc-6724-11eb-886d-5264d4ceb46d_story.html; Richard Salame, *Was Election Denial Just a Get-Rich-Quick Scheme? Donors' Lawsuits Look for Answers.*, Intercept (Feb. 6, 2021, 11:00 AM), <https://theintercept.com/2021/02/06/election-deniers-profit-lawsuits/>.
- ¹⁵⁵ Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>.
- ¹⁵⁶ Tom Dreisbach, *A publisher abruptly recalled the '2,000 Mules' election denial book. NPR got a copy.*, NPR (Sept. 8, 2022, 12:44 PM),

(cont'd)

162. Others who have been TTV allies and fellow promoters of the lie that Trump lost the 2020 election due to fraud have told donors not to give a “penny” to Defendants Engelbrecht and TTV, as it is not a good use of funds.¹⁵⁷ Another, who had worked with the donor who later sued Defendant Engelbrecht, regretted making the connection, writing, “[I] am just kicking myself as it is clear from many friends and insiders that Catherine is a disaster. . . . Her story is utter Bullshit.”¹⁵⁸

163. A Republican operative who worked for TTV in 2014 noted that the organization never provided evidence to substantiate its claims. Of Defendant Engelbrecht, he explained: “She never had the juice in terms of evidence. . . . But now that doesn’t matter. She’s having her uplift moment.”¹⁵⁹

<https://www.npr.org/2022/09/08/1121648290/a-publisher-abruptly-recalled-the-2-000-mules-election-denial-book-npr-got-a-cop>.

¹⁵⁷ Documented, *Leaders of the Big Lie Movement Warn Donors Not to Fund Catherine Engelbrecht of True the Vote* (May 31, 2022), <https://documented.net/media/leaders-of-the-voter-fraud-myth-movement-warn-donors-not-to-fund-catherine-engelbrecht-of-true-the-vote>.

¹⁵⁸ Cassandra Jaramillo, *She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Grift.*, *Reveal News* (June 8, 2022), <https://revealnews.org/article/true-the-vote-big-lie-election-fraud/>.

¹⁵⁹ Cecilia Kang, *How a Spreader of Voter Fraud Conspiracy Theories Became a Star*, *N.Y. Times* (Sept. 14, 2022), <https://www.nytimes.com/2022/09/14/technology/catherine-engelbrecht-voter-fraud-conspiracy-theories.html>.

164. Defendants Engelbrecht and TTV share a locals.com page.¹⁶⁰

Defendant Engelbrecht regularly engages in discussion about the mules narrative on this account, and promises to answer questions and reveal information—if supporters pay to subscribe.¹⁶¹

165. Dineshdsouza.com is the website for D’Souza Media, but centers on Defendant D’Souza himself and his products. Alongside Defendant D’Souza’s books and DVDs, the site includes an “official store” selling other D’Souza merchandise. The website includes links to Defendant D’Souza’s podcast episodes and videos, which have paid advertisements. The *2000 Mules* website contains a link to Dineshdsouza.com.

166. Defendant D’Souza’s business model is predicated on spreading false narratives for profit. He has been responsible for many of the most roundly discredited conspiracy theories of the twenty-first century. Defendant D’Souza’s

¹⁶⁰ True the Vote, *Your support helps us inform and educate more people across the country*, <https://truethevote.locals.com/support> [perma.cc/V7GM-N4BY] (last visited Oct. 2, 2022). D’Souza has also made streams of *2000 Mules* available to those who pay to subscribe to his own locals account.

¹⁶¹ Cassandra Jaramillo, *Group Behind ‘2000 Mules’ Has Deep Ties to Ken Paxton*, Reveal News (July 21, 2022), <https://revealnews.org/article/true-the-vote-trump-election-ken-paxton/>.

book *The Enemy at Home*—which argued that the American left’s cultural openness caused 9/11—was denounced by those on the political right and left.¹⁶²

167. Defendant D’Souza was also a proponent of the so-called “Birther” conspiracy theory that former President Barack Obama was not born in the United States.¹⁶³ Defendant D’Souza has been criticized for his “fundamental intellectual dishonesty” in the conservative *National Review*,¹⁶⁴ and his work has been called

¹⁶² NR Symposium, *The Enemy D’Souza Knows*, National Review (Mar. 16, 2007, 9:00 AM), <https://www.nationalreview.com/2007/03/enemy-dsouza-knows-nro-symposium/>; Daniel Larison, *Obama, Anticolonial Hegemonist?*, American Conservative (Sept. 9, 2010, 3:32 PM), <https://www.theamericanconservative.com/obama-anticolonial-hegemonist/>; Aidan McLaughlin, *Dinesh D’Souza Gets Scrubbed From the National Review Masthead*, MEDIAite (Mar. 3, 2022, 4:47 PM), <https://www.mediaite.com/weird/dinesh-dsouza-gets-scrubbed-from-the-national-review-masthead/>; Zachary Petrizzo, *Right-Wing Site Townhall Quietly Deletes Ann Coulter Post Bashing D’Souza’s Movie It Funded*, Daily Beast (June 17, 2022, 3:43 PM), <https://www.thedailybeast.com/townhall-quietly-deletes-ann-coulter-post-bashing-dinesh-dsouza-movie-it-funded>.

¹⁶³ Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 27, 2016, 11:01 AM), https://twitter.com/DineshDSouza/status/780784483448590338?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E780784483448590338%7Ctwgr%5E1991f582450de5cc1d8b4e798a20f4992acf32a4%7Ctwcon%5E5&ref_url=https%3A%2F%2Ftheweek.com%2Farticles%2F776256%2F7-dinesh-dsouzas-most-shameful-moments.

¹⁶⁴ NR Symposium, *The Enemy D’Souza Knows*, National Review (Mar. 16, 2007, 9:00 AM), <https://www.nationalreview.com/2007/03/enemy-dsouza-knows-nro-symposium/>.

“ideological Birtherism” in *The American Conservative*, as well as “inexcusably moronic,” “a bad conspiracy theory,” and “evidence-free, ideological babbling.”¹⁶⁵

168. Defendants have continued to attempt to profit off of the film, even after its claims were thoroughly discredited.¹⁶⁶

G. Defendants’ false statements were designed to advance a predetermined narrative.

169. Defendants’ false statements about Mr. Andrews fit their predetermined narratives. Defendants conceived a storyline—that the 2020 election was stolen by fraudulent votes delivered by “mules”—and then set out to manufacture “evidence” that conformed to this narrative. Even after being confronted with direct evidence of its falsity, Defendants continued to push the narrative that Mr. Andrews and others committed fraud to steal the 2020 election.

¹⁶⁵ Daniel Larison, *Obama, Anticolonial Hegemonist?*, *American Conservative* (Sept. 9, 2010, 3:32 PM), <https://www.theamericanconservative.com/obama-anticolonial-hegemonist/>.

¹⁶⁶ *E.g.*, Dinesh D’Souza (@DineshDSouza), Twitter (Oct. 14, 2022, 12:36 PM), <https://twitter.com/DineshDSouza/status/1580960811820142592>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 6, 2022, 4:39 PM), <https://twitter.com/DineshDSouza/status/1567251267696590850>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 4, 2022, 2:04 PM), <https://twitter.com/DineshDSouza/status/1566487312346783747>; Dinesh D’Souza (@DineshDSouza), Twitter (Aug. 20, 2022, 6:28 PM), <https://twitter.com/DineshDSouza/status/1561117901385568257>; True The Vote, *We had so many great people tune in Monday*, Facebook (May 25, 2022), <https://www.facebook.com/photo.php?fbid=378648854299239&set=pb.100064623822609.-2207520000..&type=3>.

170. In addition to the significant fundraising TTV achieved by promoting the lie that the 2020 election was stolen, TTV’s actions before the 2020 election and dating back a decade to sensationalize the risk of election fraud demonstrate this same predetermined narrative.¹⁶⁷ For example, a TTV leader declared at a national summit preparing for the 2012 presidential election: “I’m not being over the top here: I fear the Obama gang is setting themselves up to steal the elections, if possible.”¹⁶⁸

171. Defendant Engelbrecht has also recognized that TTV’s methods had a heightened risk of wrongly targeting voters living in multigenerational households—like Mr. Andrews—and that she and TTV advance their narratives regardless of the truth of those narratives. A *Nightline* reporter in 2012 asked Defendant Engelbrecht about how TTV’s system for reporting fraud accusations to authorities—which targets addresses with many registered voters—could be biased

¹⁶⁷ Lee Fang & Nick Surgey, *Conservative Operatives Float Plan to Place Retired Military, Police Officers as GOP Poll Watchers on Election Day*, Intercept (Apr. 11, 2020, 6:00 AM), <https://theintercept.com/2020/04/11/republican-poll-watchers-vote-by-mail-voter-fraud/>.

¹⁶⁸ Dan Harris & Melia Patria, *Is True the Vote Intimidating Minority Voters From Going to the Polls?*, ABC News (Nov. 1, 2012, 1:27 PM), <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823>; Complaint, *McDonald v. King Street Patriots a/k/a KSP/True the Vote* (Tex. Ethics Comm’n, Oct. 15, 2010), https://static.texastribune.org/media/documents/King_street_complaint.pdf?ga=2.83151766.1480191080.1601916449-2142928190.1592927878.

against multigenerational households, like the Andrews home.¹⁶⁹ Engelbrecht did not deny that multigenerational households could be disproportionately targeted, but explained that TTV's system works that way for efficiency.¹⁷⁰

H. Mr. Andrews has been harmed by Defendants' actions.

172. Defendants' misconduct has caused—and continues to cause—significant harm to Mr. Andrews. As detailed above, in total, Defendants spread their false claims about Mr. Andrews on programs that reached at least 3.2 million viewers. Defendants also disseminated Mr. Andrews' image and the accusations against him on multiple social media platforms, with posts that have been viewed more than 5.8 million times. In addition, the film itself has been viewed by over a million people. This is in addition to the continued presence of the *2000 Mules* film, its trailer, and other promotional materials for the film, all currently available on Defendants' websites and social media pages.

I. Mr. Andrews reasonably fears physical harm.

173. Mr. Andrews reasonably fears for his and his family's physical safety because of Defendants' false accusations that he committed serious crimes, that he

¹⁶⁹ Dan Harris & Melia Patria, *Is True the Vote Intimidating Minority Voters From Going to the Polls?*, ABC News (Nov. 1, 2012, 1:27 PM), <https://abcnews.go.com/Politics/true-vote-intimidating-minority-voters-polls/story?id=17618823>.

¹⁷⁰ *Id.*

helped “steal” the 2020 election, and Defendants’ repeated and continuing publication of his image in a false light without his consent.

174. Defendants’ actions have had the predictable and foreseeable consequence of leading to threats of physical harm—including death threats—against Mr. Andrews and his family by Defendants’ followers. This has led to Mr. Andrews’ reasonable fear for his and his family’s safety, the expenses and changes in his daily life to try to ensure his and his family’s safety, and the psychological harm caused by his reasonable fear for his and his family’s safety.

175. Mr. Andrews’ reasonable fear has increased as Defendants have spurred their followers to take physical action against the alleged perpetrators of voter fraud. For example, following a presentation by Defendants on the “mules” story, Arizona lawmakers called on vigilantes to monitor and record voters.¹⁷¹ In

¹⁷¹ Jerod MacDonald-Evoy, *Republicans are urging vigilantes to watch ballot drop boxes, polling locations, to sniff out fraud*, AZ Mirror (Aug. 2, 2022, 6:30 AM), <https://www.azmirror.com/2022/08/02/republicans-are-urging-vigilantes-to-watch-ballot-drop-boxes-polling-locations-to-sniff-out-fraud/>; Jerod MacDonald-Evoy, *GOP lawmaker calls on ‘vigilantes’ to film and follow voters to combat unproven ‘ballot mules’*, AZ Mirror (May 31, 2022, 9:57 PM), <https://www.azmirror.com/2022/05/31/gop-lawmaker-calls-on-vigilantes-to-film-and-follow-voters-to-combat-unproven-ballot-mules/>; Tiffany Hsu & Stuart A. Thompson, *Hunting for Voter Fraud, Conspiracy Theorists Organize ‘Stakeouts’*, N.Y. Times (Aug. 10, 2022), <https://www.nytimes.com/2022/08/10/technology/voter-drop-box-conspiracy-theory.html>.

response, vigilantes held “mules”-inspired “tailgate parties” where they monitored, recorded, and questioned voters at drop boxes in Arizona, which led to confrontations.¹⁷²

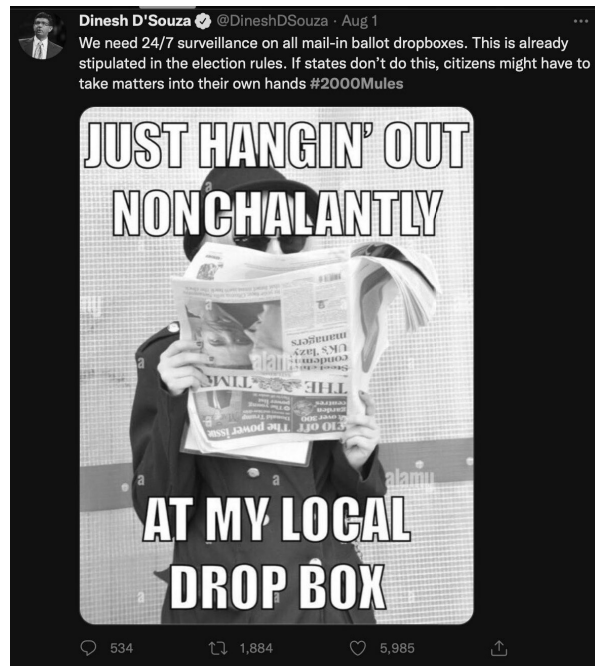
176. At a *2000 Mules* screening at Mar-a-Lago, former President Trump called on attendees to “do something” about the purported stealing of the 2020 election. TTV endorses this call to action by promoting it on its website.¹⁷³

Defendant D’Souza has posted similar calls to action:¹⁷⁴

¹⁷² Sasha Hupka, *As ballot drop box stakeouts continue, new voter intimidation complaints flow in*, Arizona Republic (Oct. 24, 2022), <https://www.azcentral.com/story/news/politics/elections/2022/10/21/ballot-drop-box-stakeouts-continue-new-voter-complaints-flow/10565205002/>; Jerod MacDonald-Evoy, *Republicans are urging vigilantes to watch ballot drop boxes, polling locations, to sniff out fraud*, AZ Mirror (Aug. 2, 2022, 6:30 AM), <https://www.azmirror.com/2022/08/02/republicans-are-urging-vigilantes-to-watch-ballot-drop-boxes-polling-locations-to-sniff-out-fraud/>; Jerod MacDonald-Evoy, *GOP lawmaker calls on ‘vigilantes’ to film and follow voters to combat unproven ‘ballot mules’*, AZ Mirror (May 31, 2022, 9:57 PM), <https://www.azmirror.com/2022/05/31/gop-lawmaker-calls-on-vigilantes-to-film-and-follow-voters-to-combat-unproven-ballot-mules/>; Tiffany Hsu & Stuart A. Thompson, *Hunting for Voter Fraud, Conspiracy Theorists Organize ‘Stakeouts’*, N.Y. Times (Aug. 10, 2022), <https://www.nytimes.com/2022/08/10/technology/voter-drop-box-conspiracy-theory.html>.

¹⁷³ True the Vote, *Trump Encourages Audience at 2000 Mules Premiere to ‘Do Something’ About Voter Fraud* (May 5, 2022), <https://www.truevote.org/trump-encourages-audience-at-2000-mules-premiere-to-do-something/>.

¹⁷⁴ Dinesh D’Souza (@DineshDSouza), Twitter (Aug. 1, 2022, 8:21 AM), <https://twitter.com/DineshDSouza/status/1554079964420608000>.



177. Numerous social media users have posted or shared threats on social media, including ones threatening to “arrest,” assault, or kill “mules” like Mr. Andrews.

178. Many of these posts include Mr. Andrews’ image along with white supremacist references, and promote Defendants’ narrative that Mr. Andrews is a criminal and a treasonous “mule.”¹⁷⁵ Some of these posts have been shared over 100,000 times.

¹⁷⁵ @RedPillPharmacist, Telegram (May 9, 2022), <https://t.me/redpillpharmacist/25824> [perma.cc/2GYT-S3PT]; Andy Kroll, “Big Lie” Vigilantism Is on the Rise. Big Tech is Failing to Respond., ProPublica (June 17, 20122, 12:00 PM), <https://www.propublica.org/article/election-fraud-ballot-mules-facebook-tiktok-memes>; Alyssa Rich295 (@alyssarich13), TikTok,

(cont’d)

179. One social media user posted that he was “watching” voters on election day, and that he voted wearing a Defendant Phillips shirt and an “Arrest the Mules” bracelet.¹⁷⁶

180. “The term ‘ballot mules,’ . . . has surfaced 326,000 times on Twitter since January [2022], up from 329 times between November 2020 and this January, according to Zignal Labs, a media insights company.”¹⁷⁷

181. As another example, a Twitter post stating, “Arrest the mules!” has been shared 2,737 times and liked 13,200 times as of October 13, 2022.¹⁷⁸

182. Some social media posts have actually placed images of the alleged “mules” on mock “WANTED” posters.¹⁷⁹

https://www.tiktok.com/@alyssarich13/video/7095415280226061611?is_from_webapp=v1&item_id=7095415280226061611 (last visited Oct. 2, 2022).

¹⁷⁶ Poker and Politics (@PokerPolitics), Twitter (Aug. 20, 2022, 11:59 PM), <https://twitter.com/PokerPolitics/status/1561201365459820544>.

¹⁷⁷ Cecilia Kang, *How a Spreader of Voter Fraud Conspiracy Theories Became a Star*, N.Y. Times (Sept. 14, 2022), <https://www.nytimes.com/2022/09/14/technology/catherine-engelbrecht-voter-fraud-conspiracy-theories.html>.

¹⁷⁸ Tim Swain (@_TimSwain_), Twitter (May 9, 2022, 5:35 PM), https://twitter.com/_TimSwain_/status/1523778747719057408.

¹⁷⁹ Andy Kroll, “*Big Lie*” *Vigilantism Is on the Rise. Big Tech is Failing to Respond.*, ProPublica (June 17, 20122, 12:00 PM), <https://www.propublica.org/article/election-fraud-ballot-mules-facebook-tiktok-memes>.

183. Further, one website in particular created digital billboards with the word “busted” superimposed on a screenshot from the movie of Andrews submitting ballots for himself and his family and suggests that Andrews was “hired to illegally dump ballots into ballot boxes.”¹⁸⁰

184. In addition, numerous social media posts repeating the “mules” narrative have called for physical violence against those falsely depicted in Defendants’ film as “mules,” some of which have used Mr. Andrews’ image. These threats have dramatically increased Mr. Andrews’ fear of physical harm and his emotional and psychological anguish.

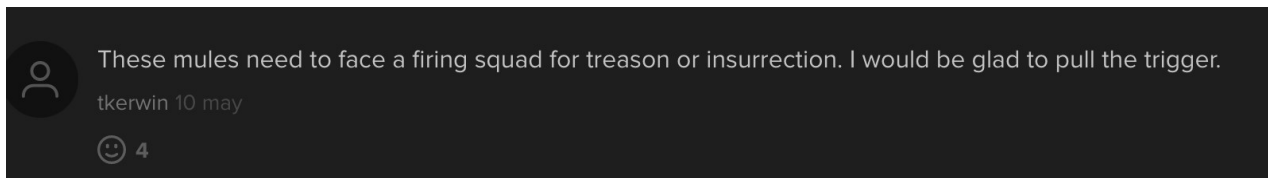
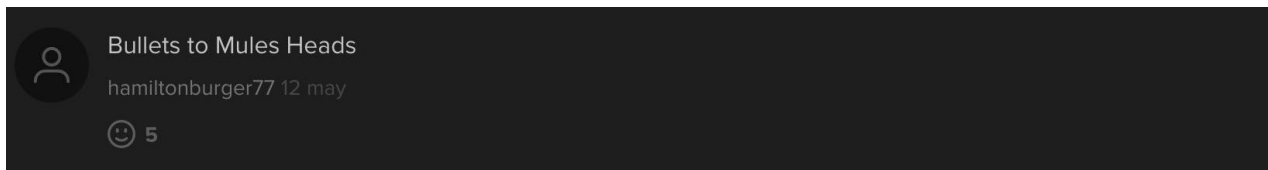
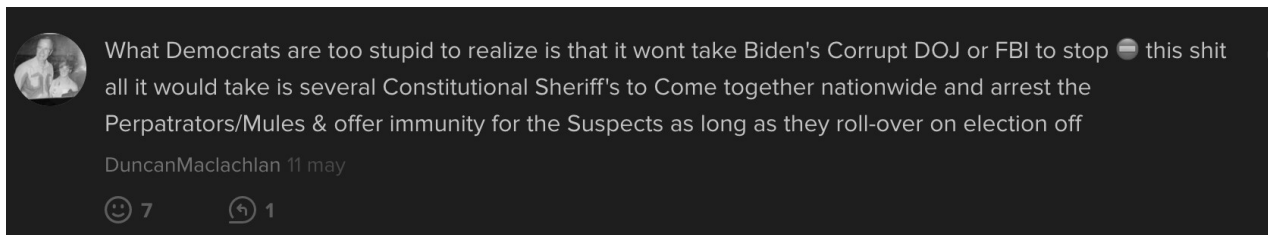
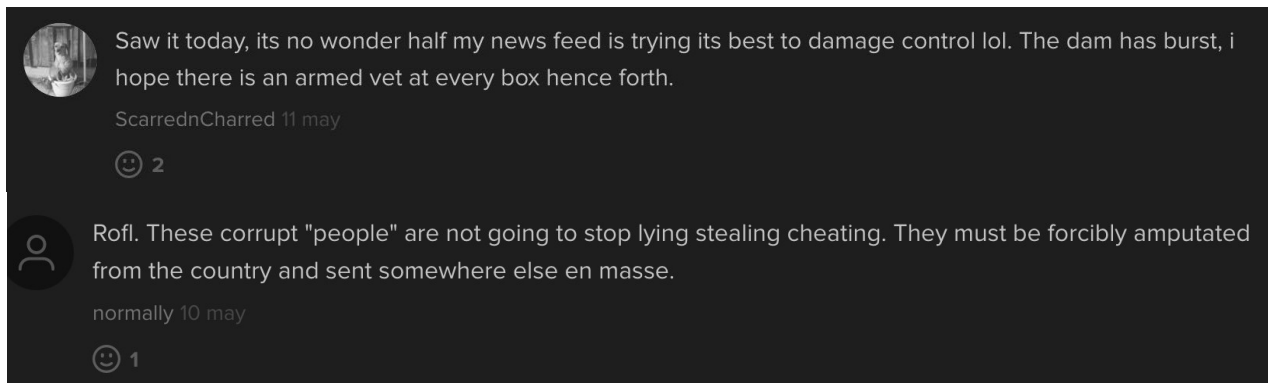
185. For example, one social media user posted TTV’s clip of Mr. Andrews voting alongside an explanation of the “mules” theory. That post has been viewed over 1,500 times.¹⁸¹ Comments on these posts include threats to have the “mules” “forcibly amputated from the country and sent somewhere else en

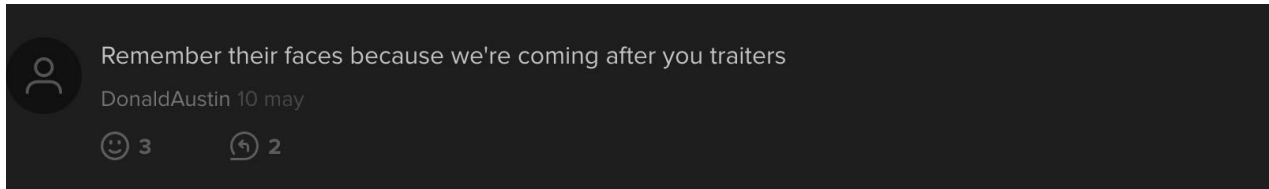
¹⁸⁰ The America Project, 7Ballots, Wayback Machine, <https://web.archive.org/web/20220528170234/https://www.7ballots.com/> (last visited Oct. 13, 2022); Audrey Trujillo The Next NM Secretary of State, Facebook (Aug. 22, 2022), <https://www.facebook.com/photo.php?fbid=453254773452447&set=pb.100063037849794.-2207520000>.

¹⁸¹ Americas Best Pics, *Stolen Election? It Appears So - Trump Wins Just By Removing the Worst Offenders [2000 Mules]*, <https://americasbestpics.com/video/stolen-election-it-appears-so-trump-wins-just-by-removing-QbrsD4YX9> (last visited Sept. 30, 2022).

masse,” and proclamations that the “mules” should be arrested, “face a firing squad,” or receive “Bullets to Mules Heads.” Defendants’ followers have also assured “mules” through social media comments that “we’re coming after you.”

For example:





186. As another example, a user posted a video on the video-sharing platform Rumble that included the TTV clip of Mr. Andrews. The comments on the video suggest that Defendants’ followers want to track down the “mules” who they believe should be hanged, “executed,” “die,” or face incarceration.¹⁸²



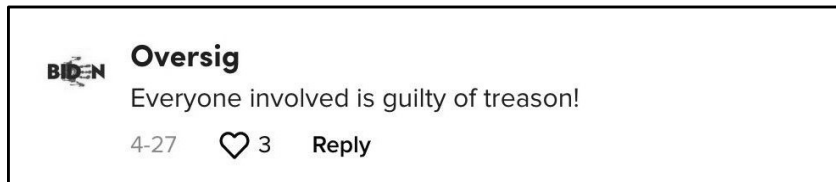
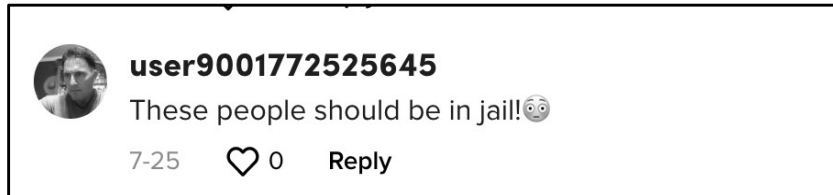
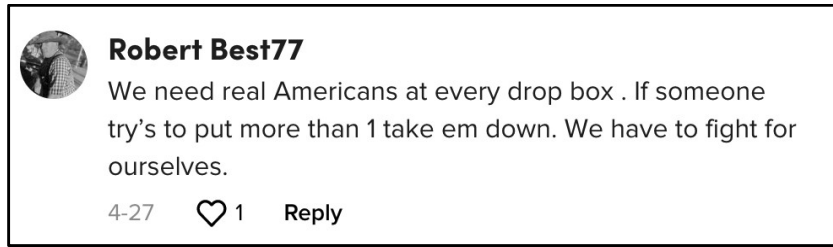
183

187. Another video with Mr. Andrews’ image posted to the social network TikTok resulted in the following comments:¹⁸⁴

¹⁸² The Salty Cracker, *2000 Mules Clip - Video Montage of Mules*, Rumble (May 11, 2022), <https://rumble.com/v14ck4s-2000-mules-clip-video-montage-of-mules.html>.

¹⁸³ *Id.*

¹⁸⁴ Comments to @robertsantini01 TikTok post.



188. These threats have led Mr. Andrews, like any reasonable person, to fear that he and his family are in physical danger from Defendants' vigilante followers.

189. These public threats were the foreseeable and even intended result of Defendants' actions.

190. Mr. Andrews' fear for his and his family's physical safety is objectively reasonable, given Defendants' ongoing use of his image with the false and defamatory accusations that he has committed crimes and the clear and numerous threats of harm leveled by Defendants' followers.

191. Mr. Andrews' fear for his family's safety has further increased after a reporter contacted his daughter on two different social media platforms about

Defendants' claims. He is troubled that members of the public were able to discover his daughter's identity and contact her. If the press can easily identify and contact her, then those issuing threats against him and his family can as well.

192. Mr. Andrews' reasonable fear for his and his family's physical safety has had a deleterious effect on all of their lives. For example, Mr. Andrews and his family have become hypersensitive to hearing knocks on their door or seeing unknown persons or cars on their street for fear that it may be one of Defendants' followers coming to cause them harm. Additionally, Mr. Andrews does everything in his power to avoid leaving his house at night for fear of reprisal, and he has begun taking alternate driving routes to and from work to limit the likelihood that he is followed. This constant state of vigilance, especially in and around their own home, has caused significant anxiety for Mr. Andrews and his family.

193. Mr. Andrews has also spent time and money to protect his and his family's safety. Mr. Andrews bought and installed four new surveillance cameras around his house that stream directly to his phone and notify him of any activity on his property. Mr. Andrews has also paid for a service to remove personal information from the internet to protect the family's privacy. Additionally, Mr. Andrews has spent time and money changing his license plate and scraping the stickers off his SUV in an effort to hide his identity, because Defendants included

images of the car and its license plate in their publications. Mr. Andrews knows that this is how the state investigator located him, and fears that others could do so as well. Mr. Andrews' wife fears for his safety whenever he drives this vehicle.

J. Mr. Andrews is scared to vote and has been injured because he voted.

194. Mr. Andrews and his family now feel intimidated to exercise their right to vote, and will forever look over their shoulders when voting.

195. His fear is objectively reasonable. Any reasonable voter would fear that simply by exercising their right to vote, they could have their image posted all over the media and could be falsely accused of crimes. Any reasonable voter would also experience fear about voting given the threats of physical harm detailed above. And it is likely that other voters are also intimidated by Defendants' "mules" narrative and portrayal of Mr. Andrews.

196. Indeed, the film has spurred vigilantes to set up "tailgates" near ballot boxes to monitor, harass, and dissuade any voters depositing more than one ballot (which is legal under certain circumstances in most states), based on the false idea that they are preventing "mules" from delivering ballots.¹⁸⁵

¹⁸⁵ Danny Hakim & Alexandra Berzon, *A Big Lie in a New Package*, N.Y. Times (May 29, 2022, updated June 8, 2022), <https://www.nytimes.com/2022/05/29/us/politics/2000-mules-trump-conspiracy-theory.html>.

197. Moreover, Mr. Andrews is upset that Defendants included harmful racist stereotypes in the film, and targeted him—a Black man wearing a hoodie—based on stereotypes that he has sought to avoid throughout his life.¹⁸⁶

198. Mr. Andrews is upset and anxious that Defendants are riling up people who may already have racial biases, and he fears that people who believe Defendants’ offensive stereotypes will target himself, his wife, and his children. Mr. Andrews is worried that this could lead to violence and other attacks.

199. Mr. Andrews is also aware that the harm he has suffered and continues to suffer is on account of his exercising his lawful right to vote, which is especially painful to him because he values voting as a core duty of citizens in our democracy.

200. Defendants’ ongoing defamation campaign is a modern and particularly insidious method of voter intimidation. An objectively reasonable voter depicted as a “mule” in Defendants’ publications, or fearful of being wrongly depicted in a future one, would reasonably fear going to the polls because of the significant risk that the voter would be a continued target of Defendants’

¹⁸⁶ *2000 Mules* references the “Mexican Mafia” committing voter fraud, and many of the film’s images of “mules” are voters of color, including Andrews. Further, the film focuses on cities with large populations of voters of color—Atlanta, Milwaukee and Phoenix. The film claims that mules were also tracked attending Black Lives Matter “riots” and protests.

defamation campaign that could have devastating effects on their lives, reputations, careers, and physical safety.

201. Defendants' call to action to "monitor" voters is ongoing. For example, multiple TTV social media accounts include a call to action that includes "watch the drop boxes":



202. Defendant D’Souza continues to regularly promote the film, and to call for monitoring of ballot drop boxes.¹⁸⁸

¹⁸⁷ True the Vote (@truethevote), Truth Social (Sept. 13, 2022, 19:53), <https://truthsocial.com/@truethevote/posts/108993787364452061>;

@RealTrueTheVote, Instagram, <https://www.instagram.com/realtruethevote/?hl=en> (last visited Oct. 1, 2022).

¹⁸⁸ E.g., Dinesh D’Souza (@DineshDSouza), Twitter (Oct. 16, 2022, 11:08 AM), <https://twitter.com/DineshDSouza/status/158166344080833316?cxt=HHwWi>

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203. Further, responses to Defendants’ conduct are also ongoing, and have moved from the online sphere to the physical. For example, in October 2022, a Twitter user posted photos of flyers posted on the streets of Tucson, Arizona, that stated: “You cannot stop the revolution! We have just begun! We are watching you, Mules.”¹⁸⁹ Another sign that appeared to be from the same group included an image of a person behind jail bars and threatened: “Ballot drops get cell blocks. We are watching you.”¹⁹⁰

MDS-Z6hmfMrAAAA; Dinesh D’Souza (@DineshDSouza), Twitter (Oct. 14, 2022, 12:36 PM), <https://twitter.com/DineshDSouza/status/1580960811820142592>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 23, 2022, 12:05 PM), <https://twitter.com/DineshDSouza/status/1573342748580761602>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 18, 2022, 10:39 AM), <https://twitter.com/DineshDSouza/status/1571509199586185224>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 9, 2022, 5:08 PM), <https://twitter.com/DineshDSouza/status/1568345679637905408>; Dinesh D’Souza (@DineshDSouza), Twitter (Sept. 6, 2022, 4:39 PM), <https://twitter.com/DineshDSouza/status/1567251267696590850>; Dinesh D’Souza (@DineshDSouza), Twitter (Aug. 20, 2022, 6:28 PM), <https://twitter.com/DineshDSouza/status/1561117901385568257>.

¹⁸⁹ Aim (@TheRealAFitch), Twitter (Oct. 4, 2022, 5:11 PM), <https://twitter.com/therealafitch/status/1577406200890634240?s=46&t=eNHR75JSOo1SQoMrTCeWcw>; *see also* Sasha Hupka, *As ballot drop box stakeouts continue, new voter intimidation complaints flow in*. Arizona Republic (Oct. 24, 2022), <https://www.azcentral.com/story/news/politics/elections/2022/10/21/ballot-drop-box-stakeouts-continue-new-voter-complaints-flow/10565205002/>.

¹⁹⁰ *Id.*

204. Defendants’ misconduct—monitoring, broadcasting, and questioning a person’s voting habits, as well as falsely accusing a person of election fraud—are classic examples of voter intimidation of exactly the type that federal anti-voter intimidation legislation prohibits.

205. Like any reasonable voter in his position, Mr. Andrews now feels fear in connection with voting, and is afraid to assist his spouse and children in voting. He feels intimidated because he fears that his image will be taken out of context, shared publicly, and used to spread lies, and that those lies will result in threats.

206. He is nervous about voting given that Defendants’ claims are ongoing and are spurring others to engage in intimidation.¹⁹¹ As noted above, one social media user posted that he was “watching” voters on election day in summer 2022, and that he voted wearing an “Arrest the Mules” bracelet.¹⁹²

¹⁹¹ As discussed above, in Arizona, vigilantes organized ballot drop-box “watch parties” to monitor voters during the August 2022 primaries inspired by Defendants’ film (which also targeted Arizona) and invented narrative. Jerod MacDonald-Evoy, *Republicans are urging vigilantes to watch ballot drop boxes, polling locations, to sniff out fraud*, AZ Mirror (Aug. 2, 2022, 6:30 AM), <https://www.azmirror.com/2022/08/02/republicans-are-urging-vigilantes-to-watch-ballot-drop-boxes-polling-locations-to-sniff-out-fraud/>; Jerod MacDonald-Evoy, *GOP lawmaker calls on ‘vigilantes’ to film and follow voters to combat unproven ‘ballot mules’*, AZ Mirror (May 31, 2022, 9:57 PM), <https://www.azmirror.com/2022/05/31/gop-lawmaker-calls-on-vigilantes-to-film-and-follow-voters-to-combat-unproven-ballot-mules/>.

¹⁹² Poker and Politics (@PokerPolitics), Twitter (Aug. 20, 2022, 11:59 PM), <https://twitter.com/PokerPolitics/status/1561201365459820544>.

207. Mr. Andrews is afraid that he could be recognized and attacked when he goes to vote.

208. He has also already changed his voting behavior because of Defendants' intimidating conduct, and will continue to change his voting behavior in the future. Georgia held a primary election in May 2022. For that election, Mr. Andrews' daughters feared having Mr. Andrews drop off their ballots—which is entirely legal—as a result of Defendants' actions. One of his daughters dropped off her own ballot, and the other ended up not voting because she did not receive the ballot she had requested.

209. In the same 2022 primary election, Mr. Andrews drove with his wife and son to vote by dropping off their absentee ballots inside at a county elections office. The family was afraid to get out of the car together because of Defendants' portrayal of Mr. Andrews. They were worried that Mr. Andrews and/or his car would be recognized and accosted by people who believed Defendants' narrative. They were afraid that the people who had called for Mr. Andrews' to face citizens' arrest would recognize them and harm the family.

210. Mr. Andrews' son was afraid to get out of the car because of Defendants' false portrayal of Mr. Andrews and resultant threats. He was afraid to

face physical harm, but he was also afraid that his image could be misappropriated. Ultimately, he remained inside the car.

211. Mr. Andrews was also afraid to drop off his son's ballot—which is entirely lawful—because of Defendants' actions, but did it so that his son could remain in the car. Mr. Andrews was nervous throughout and made sure to explain to the person inside that he was complying with the law and depositing the ballot of a relative in his household.

212. Mr. Andrews' wife did not want him to get out of the car to vote in the primary given Defendants' accusations and resulting threats. She felt intimidated and did not want to get out of the car herself to vote. She requested a ballot by mail, but it never arrived. Because of this, she knew that if she tried to vote in person, she would have to vote provisionally. She was afraid to call attention to herself and to vote provisionally because of Defendants' actions. As a result, she did not vote.

213. Defendants' ongoing use of Mr. Andrews' image in connection with allegations of voter fraud has made Mr. Andrews and his family feel intimidated about voting in the future. They fear that he is being watched and could again be falsely accused of a crime or portrayed in a false and harmful light for profit.

Mr. Andrews has not been able to vote since without feeling anxiety for fear that he will be targeted.

214. For the 2022 general election, Mr. Andrews and his family changed their voting behavior because of Defendants' lies about him. Mr. Andrews' wife required that Mr. Andrews and his family put their ballots in the mail out of fear that they would be targeted, harassed, and face further injury if they went to the polls. Mr. Andrews was reluctant to put his ballot in the mail because he did not trust that it would get there and be counted, but did so because he felt serious and real anxiety and fear about going in person due to Defendants' conduct.

215. It is foreseeable that any reasonable voter would be intimidated by Defendants' scheme to use footage of voters to baselessly accuse them of serious election crimes.¹⁹³ This is particularly acute given TTV's history of "monitoring" voters and their plans to continue doing so.¹⁹⁴ TTV announced its plans to partner

¹⁹³ Further, Defendants likely knew this and intended it, as similarly aggressive poll monitoring and false accusations of fraud targeting non-white voters had intimidated voters before. *E.g.*, AJ Vicens & Natasha Khan, *Voters feel intimidated by election observers*, Tucson Sentinel (Aug. 20, 2012), https://www.tucsonsentinel.com/nationworld/report/082012_voting_observers/voters-feel-intimidated-by-election-observers/.

¹⁹⁴ *Id.*; Jessica Pishko, *The Big Lie Messengers Who Carry a Badge and Gun*, Bolts (Aug. 24, 2022), <https://boltsmag.org/true-the-vote-sheriffs/>; True the Vote, *2000 Mules Team Launches New 'Sheriffs Initiative'*, Facts Matter (June 29, 2022), <https://ttvdevv.wpengine.com/2000-mules-team-launches-new-sheriffs-initiative-facts-matter/> [perma.cc/KJ9E-FFVA].

with local sheriffs to “monitor” and intimidate voters in upcoming elections at a panel Defendant Engelbrecht appeared on titled “2000 Mules: ‘Law Enforcement Has to Step in at This Point!’—Will Sheriff’s [sic] Investigate?”¹⁹⁵

216. Reasonable voters will fear that their image will be captured and misused for profit—and that they will be accused of a crime—simply for voting. Reasonable voters will also fear facing the threats and reactions that Mr. Andrews has faced from Defendants and from those who believe their lies, as described herein.

217. As was foreseeable, and as detailed herein, others have repeated and amplified Defendants’ lies about Mr. Andrews, increasing the harm to him and the ongoing intimidation of him on account of his exercise of his right to vote. Defendants have continued to discuss their false “mules” theory, and Mr. Andrews’ likeness has continued to be a point of public discussion due to Defendants’ conduct.¹⁹⁶ The harm to Mr. Andrews and his family is ongoing, as

¹⁹⁵ Jessica Pishko, *The Big Lie Messengers Who Carry a Badge and Gun*, Bolts (Aug. 24, 2022), <https://boltsmag.org/true-the-vote-sheriffs/>.

¹⁹⁶ Randy Ren (@RandyRen4), Twitter (Aug. 23, 2022, 4:13 PM), <https://twitter.com/RandyRen4/status/1562171100842303488>; Space Ghost Is Tired of Your BS (@BullshitReturns), Twitter (Aug. 23, 2022, 6:30 PM), <https://twitter.com/BullshitReturns/status/1562205744338018304>; Paola Poot (@PootDibou), Twitter (Sept. 4, 2022, 3:32 PM), <https://twitter.com/PootDibou/status/1566509548038492160>; Dinesh D’Souza

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Defendants continue to promote *2000 Mules*, and continue to spur additional postings of Mr. Andrews' image.¹⁹⁷

K. Mr. Andrews' privacy and reputation have been harmed

218. Further, Mr. Andrews values his privacy and Defendants have harmed him by invading it. He prides himself on being a private person who keeps his head down and always tries to do the right thing. For this reason, he does not maintain social media profiles. Defendants have massively invaded his privacy, showing his image to at least 3.2 million television news viewers, and 5.8 million internet viewers, to whom he now represents the face of a despicable criminal conspiracy.

(@DineshDSouza), Twitter (June 16, 2022, 9:29 AM), <https://twitter.com/DineshDSouza/status/1537427073819713536>; Dinesh D'Souza (@DineshDSouza), Twitter (June 18, 2022, 1:26 PM), <https://twitter.com/DineshDSouza/status/1538211490741772289> [perma.cc/7PBM-9224]; Pamela Edwards (@PamelaEdwards), Twitter (June 19, 2022, 2:14 PM),

<https://twitter.com/PamelaEdwards/status/1538585950888026121>; Meg (@LMegaw), Twitter (Aug. 25, 2022, 8:15 AM), <https://twitter.com/LMegaw/status/1562775574254596096>; Paola Poot (@PootDibou), Twitter (Aug. 24, 2022, 3:15 PM), <https://twitter.com/PootDibou/status/1562518980337729536>

¹⁹⁷ Dinesh D'Souza (@DineshDSouza), Twitter (Sept. 6, 2022, 4:39 PM), <https://twitter.com/DineshDSouza/status/1567251267696590850>; Dinesh D'Souza (@DineshDSouza), Twitter (Aug. 23, 2022, 4:06 PM), <https://twitter.com/DineshDSouza/status/1562169408805552128>; Jags Fan Deem (@FamousSeymus1), Twitter (Aug. 20, 2022, 3:46 PM), <https://twitter.com/FamousSheymus1/status/1561077282856394752>.

219. While on vacation, Mr. Andrews and his wife were shocked and frightened when he received a message from a national reporter seeking comment on the fact that his image was in *2000 Mules*, that he was accused of being a criminal ballot mule, and seeking comment. Mr. Andrews found the film and was anguished to see his unblurred and recognizable image widely publicized on Fox News, alongside Defendant Engelbrecht stating she had evidence that he had committed election fraud.

220. Although he knew that he did nothing wrong, he immediately reached out to a family member who is a lawyer, seeking protection from prosecution based on Defendants' lies.

221. Mr. Andrews is outraged that his image is being used in a false light and for profit. Defendants have broadcast his image on national television and labeled him a criminal for doing nothing more than lawfully exercising his right to vote and helping members of his immediate family to do the same.

222. Moreover, Mr. Andrews' professional reputation has been harmed by Defendants. Mr. Andrews works as an auditor investigating, among other things, fraud. Accordingly, his steadfast reputation for integrity is essential to his professional success. Mr. Andrews felt he had to tell his employer, a colleague, and a direct report about Defendants' claims to make sure that they heard about the lies

from him first and so that he could debunk them, before encountering them elsewhere. Mr. Andrews was upset that he needed to share this information at all, concerned about who else at work might see it, and was disturbed to see how shaken some of his colleagues have been upon hearing of the false narrative about Mr. Andrews and that he is connected to widespread conspiracy theories. Mr. Andrews has worked hard to establish his career and was proud of his professional reputation as an executive-level auditor. That professional reputation is tarnished by false and widely peddled accusations of his serious criminal conduct and election fraud.

223. Further, Mr. Andrews and his wife are upset by the allegation that he needs ten dollars badly enough to commit crimes. Mr. Andrews takes pride in having worked hard to obtain his executive-level job.

224. Mr. Andrews remains afraid that he could suffer further reputational and legal consequences because of the false accusations. Because he is an auditor, Mr. Andrews' professional reputation hinges on his integrity. Whenever Mr. Andrews has learned that colleagues have relatives who follow conspiracy theories, he becomes worried that they will connect him to *2000 Mules*.

225. The harm to Mr. Andrews' privacy and reputation is ongoing because Defendants continue to publish his image with false accusations that he is a criminal and continue to draw attention to the film.

226. To attempt to mitigate the harm caused by the publication of Defendants' false statements, on October 3, 2022, counsel for Mr. Andrews sent Defendants a letter demanding that they retract and take down the numerous defamatory statements they have published and continue to publish about Mr. Andrews.

227. As of the date of this filing, Defendants have not retracted the defamatory material.

L. Defendants have extensive business connections in Georgia that are sufficient for the exercise of personal jurisdiction.

228. Defendants have regularly done and solicited business in Georgia, have engaged in other persistent courses of conduct in Georgia, and derive substantial revenue from goods used or consumer or services rendered in Georgia, such that personal jurisdiction in Georgia is proper.

229. Defendant D'Souza has regularly done and solicited business in Georgia, has engaged in a persistent course of conduct in Georgia, and upon information and belief, has derived substantial revenue from goods consumed or services rendered in Georgia. He has made paid appearances in Georgia to promote

his ventures and generate income, including one in May 2022 to promote *2000 Mules*.¹⁹⁸ For another film, he organized, appeared at, and promoted a special screening in Atlanta aimed at Georgians because he wanted to “get the word out” about his work.¹⁹⁹ D’Souza has a podcast affiliated with an Atlanta radio station.²⁰⁰

230. The TTV Defendants—True the Vote, along with its founder Engelbrecht and board member Phillips—have regularly done and solicited business in Georgia, have engaged in a persistent course of conduct in the state, and upon information and belief have derived substantial revenue from goods consumed or services rendered in Georgia.

231. Leading up to Georgia’s January 2021 Senate runoff election, TTV partnered with “Georgians in every county to preemptively challenge” the

¹⁹⁸ Turning Point Action, *Exclusive showing of 2,000 Mules featuring Dinesh D’Souza and Charlie Kirk!*, Eventbrite, <https://www.eventbrite.com/e/georgia-2000-mules-with-dinesh-dsouza-hosted-by-turning-point-action-tickets-325248255287> [perma.cc/D8Y4-WKG8] (last visited Oct. 1, 2022); Kingdom Charge International, “*Death of a Nation*” Prescreening - Galleria, Eventbrite (July 30, 2018), <https://www.eventbrite.com/e/death-of-a-nation-prescreening-galleria-tickets-48095924204?aff=ehomecard> [perma.cc/JJ28-H3QL].

¹⁹⁹ Kingdom Charge International, *Dinesh D’Souza in Atlanta!*, Facebook (July 24, 2018), <https://www.facebook.com/kingdomcharge/videos/dinesh-dsouza-in-atlanta/1762365653881603/> [perma.cc/T7R6-Q7NP].

²⁰⁰ Dinesh D’Souza Podcast, AM 920 The Answer, <https://am920theanswer.com/radioshow/dinesh-dsouza-podcast> (last visited Sept. 30, 2022).

eligibility of more than 364,000 voters in Georgia.²⁰¹ Most counties rejected the challenges.²⁰²

232. TTV also maintains Georgia-specific resources on its website including the state’s voter fraud hotline and links to the state’s voter identification rules and elections schedule, targeting Georgians to seek out and report what they suspect could be fraud. TTV’s website also contains Georgia-specific resources on a “My State” page that enables Georgia residents to “Report Voter Fraud” in Georgia.²⁰³ TTV runs an interactive online platform meant to assist voters in scrutinizing their state’s voter rolls, including in Georgia. Defendants Engelbrecht and Phillips are deeply involved in TTV’s efforts.

233. Salem Media does business in Georgia and is registered there. It has multiple programs in Georgia markets, for which it solicits commercial advertising and derives substantial revenue.²⁰⁴

²⁰¹ Russ Bynum, *Group says it’s challenging residency of 364K Georgia voters*, News4 Jax (Dec. 19, 2020, 8:38 AM), <https://www.news4jax.com/news/georgia/2020/12/19/group-says-its-challenging-residency-of-364k-georgia-voters/>.

²⁰² David Wickert, *Federal judge skeptical of Georgia voter challenges*, Atlanta Journal (Jan. 2, 2021), <https://www.ajc.com/politics/election/federal-judge-skeptical-of-georgia-voter-challenges/I4R54GYSXFENPLT7ZCDVQ6BSRE/>.

²⁰³ True the Vote, *My State* <https://www.truethethevote.org/my-state/> (last visited Oct. 10, 2022).

²⁰⁴ Salem Media Group, *Radio Stations*, <https://salemmedia.com/radio-stations-by-city/ga-atlanta/> (last visited Oct. 2, 2022).

CLAIMS FOR RELIEF

COUNT I: CONSPIRACY IN VIOLATION OF 42 U.S.C. § 1985(3)

234. Plaintiff incorporates and realleges all preceding paragraphs as if set forth fully herein.

235. Plaintiff asserts a claim under Section 2 of the Ku Klux Klan Act which states, in relevant part:

if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case or conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. § 1985(3).

236. Defendants violated 42 U.S.C. § 1985(3).

237. Defendants conspired with each other and potentially with other non-parties, to intimidate and threaten Mr. Andrews—and innumerable other eligible voters—in order to deter him from engaging in support or advocacy on behalf of

his preferred candidates for federal office by exercising his right to vote, and to injure him on account of such support or advocacy.

238. Defendants conspired with each other to take actions that would intimidate a reasonable voter, including but not limited to: widely publicizing Mr. Andrews' image in conjunction with false and defamatory accusations that he committed crimes; widely publicizing Mr. Andrews' car make, model, and license plate number, making his vehicle easily identifiable and therefore putting him in danger of physical harm; widely publicizing false and defamatory accusation that he is part of a vast criminal conspiracy that had the effect of "stealing" the 2020 presidential election; widely publicizing Mr. Andrews' image, car, and license plate number along with the accusation he participated in "riots," "burning people," and "pulling people out of cars," and is part of "organized crime" and other violent crimes; widely publicizing his image, car, and license plate along with calling him a "thug"; and other intimidating actions detailed above.

239. These actions had the foreseeable and predictable effect of intimidating Mr. Andrews from exercising his right to vote in the future—including intimidating him from delivering his and his family members' ballots via drop box in the subsequent May 2022 primary election, and putting him in ongoing

fear of voting in the November 2022 election and future elections—and injuring Mr. Andrews on account of his exercising his right to vote.

240. Defendants formed an agreement to undertake this course of conduct, as demonstrated by their coordination described above, including but not limited to: producing the *2000 Mules* film together; launching an extensive and coordinated media campaign together to publicize *2000 Mules*, which included repeatedly showing Mr. Andrews’ image alongside the false accusations against him; appearing on at least eleven different media shows spreading the false claim about Mr. Andrews and publishing their joint and separate media appearances on several of Defendants’ separate websites and social media pages.

241. Defendants took overt actions in furtherance of their conspiracy, including but not limited to: filming and producing *2000 Mules* film; releasing a trailer for the film that includes Mr. Andrews’ image and the false accusations against him; publicizing the film; appearing on at least eleven different media shows along with Mr. Andrews’ image and the false accusations against him; continuing to publicize Mr. Andrews’ image and the false claims against him on their respective websites and social media pages; and continuing to publicize the false claims against Mr. Andrews despite a retraction request.

242. Further, as detailed above, Defendants continue to spread, and have not retracted, the false claims that Mr. Andrews engaged in voter fraud, despite multiple refutations of those claims, including by state law enforcement officers.

243. As detailed above, Mr. Andrews was and continues to be injured by Defendants' conduct in his person and property. Mr. Andrews feared exercising his right to vote in the subsequent May 2022 primary election, and fears exercising his right to vote in the future. Mr. Andrews also suffered financial injury; he has needed to protect himself from potential threats of physical harm to himself and his family. He has also suffered injury to his reputation, damage to his professional reputation, and emotional and psychological injury.

244. Mr. Andrews has been and will continue to be injured by Defendants' unlawful actions unless this court grants relief.

COUNT II: VIOLATION OF 52 U.S.C. § 10307(B)

245. Plaintiff incorporates and realleges all preceding paragraphs as if set forth fully herein.

246. Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b), provides that:

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate,

threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote

52 U.S.C. § 10307(b).

247. Defendants violated Section 11(b) of the Voting Rights Act by taking actions that would intimidate a reasonable voter and, in fact, did and continue to intimidate Mr. Andrews.

248. These actions include, but are not limited to: widely publicizing Mr. Andrews' image in conjunction with false and defamatory accusations that he committed crimes; widely publicizing Mr. Andrews' car make, model, and license plate number, making his vehicle easily identifiable and therefore increasing the possibility that he will face personal threats including of physical harm; widely publicizing false and defamatory accusation that he is part of a vast criminal conspiracy that had the effect of "stealing" the 2020 presidential election; widely publicizing Mr. Andrews' image, car, and license plate number along with the accusation he participated in "riots," "burning people," and "pulling people out of cars," and is part of "organized crime" and other violent crimes; widely publicizing his image, car, and license plate along with calling him a "thug"; and other intimidating actions detailed above.

249. As detailed above, Defendants' actions had the foreseeable and predictable effect of intimidating Mr. Andrews from exercising his right to vote in

the future, including intimidating him from delivering his and his family members' ballots via drop box in the subsequent May 2022 primary election and putting him in ongoing fear of voting in the November 2022 election and future elections—and causing harm to Mr. Andrews on account of his exercising his right to vote.

250. Mr. Andrews was and continues to be harmed by Defendants' conduct. Mr. Andrews feared exercising his right to vote in the subsequent May 2022 primary election, and fears exercising his right to vote in the future.

Mr. Andrews has also suffered financial injury, injury to his reputation, damage to his professional reputation, and emotional and psychological injury. Defendants' conduct has led to their reasonably expected consequences.

251. Mr. Andrews has been and will continue to be injured by Defendants' unlawful actions unless this court grants relief.

COUNT III: DEFAMATION/DEFAMATION PER SE

252. Plaintiff incorporates and re-alleges all preceding paragraphs as if fully set forth herein.

253. Mr. Andrews is a private figure.

254. Defendants published, caused to publish, or reasonably could have foreseen the publication of a series of false and defamatory statements of fact about Mr. Andrews, including by and through their agents and by making the statements

themselves; and by republishing and failing to retract the statements on their websites and social media accounts, as detailed extensively above.

255. As a reasonably foreseeable—and intended—result of Defendants’ statements and actions, others repeated and amplified these false and defamatory statements.

256. Defendants implied a series of false facts about Mr. Andrews as well.

257. Defendants intentionally created these false implications through the false statements, by other statements that were misleading due to material omissions, by presenting misleading juxtapositions of statements, and when taking into account the context of each publication. The false implications were also made through the defamation campaign as a whole.

258. The defamatory meanings of Defendants’ false statements and implied statements of facts are apparent from the face of the publications, often are accompanied by video or still image of Mr. Andrews, and/or are understood to be about him.

259. The statements authored and published by Defendants about Mr. Andrews are reasonably understood to state or imply that he:

- (a) engaged in a nationwide criminal conspiracy, along with others, to accept payments to illegally pick up and place in ballot drop boxes fraudulent votes to engage in election fraud;
- (b) was in such a poor financial position that he needed to commit crimes in exchange for small sums of money; and
- (c) was previously engaged in multiple violent crimes such as rioting, burning cities, and pulling people out of their cars and beating them up.

260. Each of these statements and implications is false and defamatory per se.

261. These statements have been viewed, read, or listened to by millions of individuals.

262. Each of these false statements was published with actual malice, that is, with knowledge of its falsity or with reckless disregard as to its truth.

263. Defendants had no credible basis for the false allegations made; failed to contact and question obvious available sources for corroboration; disregarded reliable sources refuting their claims; and published the allegations in a manner to create false inferences.

264. Defendants had financial motives for promulgating lies about Plaintiff.

265. Defendants did not neutrally report the allegations about Mr. Andrews that other members of the conspiracy advanced and that Georgia law enforcement and election officials promptly rejected. Nor did they acknowledge the actual facts. Rather, they endorsed the false allegations, publishing and republishing them for months with full knowledge of their falsity or reckless disregard for their truth.

266. Defendants had no applicable privilege or legal authorization to make these false and defamatory statements, or if they did, they abused it.

267. Defendants' statements and implications about Andrews constitute defamation per se in that they damaged him in his trade, office, or profession and claimed that he participated in criminal activity punishable by law and labeled him a ballot "mule" engaged in a criminal conspiracy to commit election fraud, a person who had engaged in violent rioting and other criminal acts, and a person whose professional reputation was so poor that he needed to accept small sums of money in exchange for committing crimes.

268. Defendants acted with willful misconduct, malice, fraud, wantonness, oppression, and/or entire want of care which would raise the presumption of

conscious indifference to consequences, and specifically intended to cause Mr. Andrews harm.

269. Defendants' statements damaged Mr. Andrews' reputation in the general public, in his profession, and in his community.

270. As a direct and proximate result of Defendants' conduct, Mr. Andrews has suffered significant general, actual, consequential, and special damages including, without limitation, impairment of reputation and standing in the community, personal humiliation, mental anguish and suffering, emotional distress, stress, anxiety, and other pecuniary loss.

COUNT IV: INVASION OF PRIVACY BY FALSE LIGHT

271. Plaintiff incorporates and re-alleges all preceding paragraphs as if fully set forth herein.

272. Mr. Andrews is a private figure.

273. Defendants published, caused to publish, or reasonably could have foreseen the publication of a series of false statements about Mr. Andrews, including by and through their agents and by making the statements themselves; and by republishing and failing to retract the statements on their website and social media accounts, as detailed extensively above.

274. As a reasonably foreseeable—and intended—result of Defendants’ statements and actions, others repeated and amplified these false statements.

275. Defendants’ conduct created false publicity that depicted Plaintiff as something which he is not, namely that he:

- (a) engaged in a nationwide criminal conspiracy, along with others, to accept payments to illegally pick up and place in ballot drop boxes fraudulent votes to engage in election fraud;
- (b) was in such a poor financial position that he needed to commit crimes in exchange for small sums of money; and
- (c) was previously engaged in multiple violent crimes such as rioting, burning cities, and pulling people out of their cars and beating them up.

276. This false light in which Defendants placed Plaintiff would be highly offensive to a reasonable person.

277. Each of these false statements was published with actual malice, that is, with knowledge of its falsity or with reckless disregard as to its truth.

278. Defendants failed to contact and question obvious available sources for corroboration; disregarded reliable sources refuting their claims; had no

credible basis for the false allegations made; and published the allegations in a manner to create false inferences.

279. Defendants had financial motives for promulgating lies about Plaintiff.

280. These statements were viewed, read, or listened to by thousands, and even millions, of individuals.

281. Defendants received and continue to receive substantial profit as a result of depicting Plaintiff in a false light.

282. Plaintiff was harmed and continues to be harmed by this invasion of privacy by false light.

COUNT V: INVASION OF PRIVACY BY APPROPRIATION OF LIKENESS

283. Plaintiff incorporates and re-alleges all preceding paragraphs as if fully set forth herein.

284. Mr. Andrews is a private figure.

285. Defendants published, caused to publish, or reasonably could have foreseen the publication of Plaintiff's likeness, including by and through their agents and by making the statements themselves; and by republishing and failing to retract the statements on their website and social media accounts, as detailed extensively above.

286. In doing so, Defendants appropriated Mr. Andrews' likeness.

287. As described above, Defendants appropriated Mr. Andrews' likeness without his consent and on a continued basis.

288. As described above, Defendants appropriated Mr. Andrews' likeness for financial gain. Defendants appropriated his likeness in a film to which they sold tickets, DVDs, and streams. Defendants also promoted the film to raise their profiles and related entities' profiles, and to increase their subscribers on paid subscription platforms. Defendants appropriated Mr. Andrews' likeness in the commercial for the film, and in television and other media appearances intended to promote the film, themselves, and their organizations, for financial gain.

289. Defendants consciously and deliberately have continued this appropriation.

290. Plaintiff was harmed and continues to be harmed by this invasion of privacy by appropriation of likeness.

COUNT VI: CIVIL CONSPIRACY

291. Plaintiff incorporates and re-alleges all preceding paragraphs as if fully set forth herein.

292. Defendants agreed to intentionally and maliciously participate in a civil conspiracy with other individuals, the purpose of which was to commit the

torts of Defamation, Defamation per se, false light, and misappropriation of likeness, as well as to engage in voter intimidation in violation of the Ku Klux Klan Act and the Voting Rights Act.

293. Throughout the course of the conspiracy, Defendants, acting in concert with other individuals, coordinated in furtherance of the common scheme.

294. Defendants agreed to launch a campaign to defame Mr. Andrews and intimidate him and other voters and harm him and other voters because they voted, as evidenced by the *2000 Mules* film and accompanying commercial and press appearances, and the decision to repeatedly plan, record, produce, and publish segments on the topic of election “fraud” in Georgia including Mr. Andrews’ image.

295. As a result of Defendants’ conspiracy, Mr. Andrews suffered professional, reputational, and emotional harm, and caused the damages outlined above.

COUNT VII: PUNITIVE DAMAGES

296. Plaintiff incorporates and re-alleges all preceding paragraphs as if fully set forth herein.

297. The tortious conduct described herein was committed by Defendants intentionally, willfully, maliciously, wantonly, and with utter disregard to the

consequences to Plaintiff. Because Defendants acted with specific intent to cause harm, there is no limitation regarding the amount that may be awarded as punitive damages.

298. In addition to full compensatory damages and all other relief sought herein, Plaintiff is entitled to an award of punitive damages against Defendants in an amount to be determined by the enlightened conscience of the jury and sufficient to deter Defendants from engaging in such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants for each of the causes of action raised herein, and respectfully asks that this Court:

- (a) Award damages in an amount to be determined at trial;
- (b) Award punitive damages in an amount to be determined at trial;
- (c) Award reasonable royalties for appropriation of Mr. Andrews' likeness, as well as disgorgement of profits;
- (d) Award reasonable attorneys' fees and costs;
- (e) Award pre-judgment and post-judgment interest at the highest lawful rates;
- (f) Declare that Defendants have violated 42 U.S.C. § 1985(3), 52 U.S.C. § 10307(b), and the state laws as set forth above;

- (g) Declare that the statements authored and published by Defendants identified within this complaint, individually and collectively, were and are false;
- (h) Grant injunctive relief requiring Defendants to remove their false and defamatory statements about Plaintiff from any website and/or social media accounts under their control;
- (i) Grant injunctive relief enjoining Defendants and anyone acting in privity with the Defendants from further violations of the law; and
- (j) Grant any such other relief as this Court may deem just and proper.

Dated: October 26, 2022

Respectfully submitted,

/s/ Von A. DuBose

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***Pro Hac Vice applications forthcoming**