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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

- - -

THE HONORABLE KENNETH M. HOYT, JUDGE PRESIDING

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KONNECH, INC.,	)	Cause No. 4:22-cv-03096
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
TRUE THE VOTE, et al.,	)	
	)	
Defendants.	)	
	)	

-----

**HEARING**

OFFICIAL COURT REPORTER'S TRANSCRIPT

Houston, Texas

**October 27, 2022**

APPEARANCES:

On behalf of the Plaintiff:  
 Constantine Z. Pamphilis, Esq.  
 Nathan Richardson, Esq.

On behalf of the Defendants:  
 Brock Cordt Akers, Esq. (Not present)  
 Michael John Wynne, Esq  
 John C. Kiyonaga, Esq.

Reported By: Nichole Forrest, CSR, RDR, CRR, CRC  
 Certified Realtime Reporter  
 United States District Court  
 Southern District of Texas

Proceedings recorded by mechanical stenography.  
 Transcript produced by Reporter on computer.

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PROCEEDINGS

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(The following proceedings held in open court.)

\* \* \*

THE COURT: All right. I see we've had a change in the court reporter. I think I need to make sure the record is clear. So I'm going to reannounce and make sure that we know who counsel is and who is representing whom in this case.

This is Konnech versus True The Vote, and individual defendants, Phillips and Engelbrecht.

Who is representing Konnech?

MR. PAMPHILIS: Dean Pamphilis and Nathan Richardson, with Kasowitz Benson & Torres, here on behalf of plaintiff Konnech.

THE COURT: All right. And who is representing True The Vote? Who is the attorney-in-charge?

I believe Mr. Akers is no longer in the case -- or is he?

MR. WYNNE: That is correct, Your Honor.

THE COURT: Is it you, Mr. Wynne?

MR. WYNNE: Yes, Your Honor.

THE COURT: Are you the attorney-in-charge?

1 MR. WYNNE: Yes, Your Honor.

2 THE COURT: I think they announced  
3 themselves previously.

4 MR. WYNNE: May I interject?

5 Mr. Kiyonaga is more familiar with certain  
6 elements later on, and he will need to interject, as I  
7 am very new on the case. He has already been admitted  
8 pro hac vice in this matter.

9 THE COURT: But he's not the  
10 attorney-in-charge.

11 MR. WYNNE: He is not the  
12 attorney-in-charge. The challenge I have here -- I  
13 guess we could redesignate at this point. But he is  
14 more familiar with the background facts, having been  
15 on the case; in particular, the subjects of this  
16 hearing, where I feel that he would be more  
17 informative to the Court in making a decision.

18 THE COURT: Was he present at the previous  
19 proceedings in this courtroom?

20 MR. WYNNE: I would have to ask him.

21 He says he was not, although he has been  
22 in communication with previous counsel-in-charge. So  
23 it's my suggestion -- and I'm willing to step down and  
24 let him be attorney-in-charge if only one of us is  
25 allowed to speak. Because, in the interest of

1 justice, the Court would have a lot more information  
2 with somebody more familiar with the facts than I am.

3 THE COURT: You don't have to step down  
4 for him to speak. However, the attorney-in-charge, as  
5 you know, under the local rules is responsible for the  
6 matters and proceedings and filings in the case.

7 Therefore, we have, as you know, local  
8 rules that require lead counsel to make sure whatever  
9 is being presented, and certainly it has to do with  
10 the case at hand, and under Rule 16, and what other  
11 rules might apply to the lawyers' conduct in the  
12 courtroom.

13 MR. WYNNE: Of course. I accept that full  
14 responsibility. If I may defer for items that I'm  
15 just not personally familiar with --

16 THE COURT: Well, here is what I'm not  
17 going to do: I'm not going to hear from two lawyers  
18 arguing the same point in this case. I'm not going to  
19 hear two lawyers on one side arguing different points  
20 in this case, unless they have to do specifically with  
21 this case.

22 And part of my concern is that this case  
23 is in my court. And there is no other case. I will  
24 not be concerned about what is going on in Michigan or  
25 California or any other state. Because, in my

1 judgment, I cannot permit others to interfere with the  
2 carrying out of justice in this courtroom.

3 So that's where we are. And I gather that  
4 there may be some other matters of concern to the  
5 parties in this case, but they're not of concern to  
6 this Court.

7 I would invite you to make sure that  
8 whoever speaks is speaking on behalf of the clients,  
9 speaking on your behalf, or as you have designated,  
10 and focused on the matters before the Court.

11 MR. WYNNE: May I have a moment, in that  
12 case, to confer with my counsel --

13 THE COURT: Sure.

14 MR. WYNNE: -- co-counsel and with my  
15 clients, to make sure that they're being represented  
16 in accordance with their wishes?

17 THE COURT: For sure.

18 MR. WYNNE: Thank you.

19 (Off the record.)

20 MR. WYNNE: May I sit?

21 THE COURT: I prefer that you stand. You  
22 just pull the microphone towards you. It will pull  
23 out. Speak up.

24 MR. WYNNE: Your Honor, may I proceed?

25 THE COURT: Yes.

1 MR. WYNNE: Your Honor, after  
2 consulting --

3 THE COURT: Excuse me --

4 MR. PAMPHILIS: I'm sorry. There is one  
5 thing -- I know Mr. Wynne is new to this case. There  
6 is one thing that he said that is inaccurate. And  
7 that is, that Brock Akers is still in this case. He  
8 has not withdrawn. He was designated as the  
9 attorney-in-charge, and neither of these gentlemen  
10 have redesignated themselves as attorney-in-charge.  
11 Mr. Akers is not in the courtroom today. I just want  
12 to make that clear for the Court's record.

13 THE COURT: All right. Let me hear from  
14 you then.

15 MR. WYNNE: Let me clarify. Counsel is  
16 absolutely correct. I spoke with Mr. Akers yesterday.  
17 He's somewhere in the Mediterranean on vacation. I  
18 will remind him that he needs to file that. We'll get  
19 that out.

20 Now, I've consulted with my clients,  
21 plural, and they would like me to proceed as lead  
22 counsel for the purpose of this hearing. We'll  
23 clarify that with an appropriate filing as soon as we  
24 recess.

25 THE COURT: Let me set the table. Then

1 we'll be ready to proceed.

2           This matter came before the Court on a  
3 Motion For Temporary Restraining order several weeks  
4 ago. And the plaintiff's motion and affidavit  
5 presented, and the Court entered a temporary  
6 restraining order.

7           The parties, upon hearing -- Mr. Akers was  
8 present at that time -- upon hearing, stipulated the  
9 method by which that temporary restraining order would  
10 come to an end.

11           In the interim, the Court filed its own  
12 order directing the defendants to appear and show  
13 cause why they should not be held in contempt for  
14 failing to comply with the Court's order.

15           So after review of the documents tendered  
16 by Mr. Akers, or counsel at that time, the Court  
17 determined that the TRO should issue. And it did.

18           And part of that temporary restraining  
19 order is reflected in the Court's Show Cause Order, or  
20 at least the parts that are in dispute or at least --  
21 not in dispute. But the parts that are relevant and  
22 before the Court, and they have to do with subsections  
23 5, 6, and 7, I believe.

24           And these were the portions of the  
25 temporary restraining order that were not complied



1 with, in that the Court ordered the parties to  
2 identify each individual and/or organization involved  
3 in accessing Konnech's protected computers; ordered to  
4 confidentially disclose to Konnech how, when and by  
5 whom Konnech's protected computers were accessed; and  
6 the third item ordered them, the defendants, to  
7 identify all persons and/or entities, and to the  
8 defendants' knowledge, who have had possession,  
9 custody or control of any information or data from  
10 Konnech's protected computers. Those were the three  
11 items that became the basis for the Court's Order to  
12 Show Cause.

13 That matter was set and was set for today  
14 at 11:00 a.m. And the Court is ready to proceed at  
15 this time with whatever testimony may be offered and  
16 whatever evidence it may be presented at this time.

17 You may proceed, Mr. Wynne.

18 MR. WYNNE: Yes. Your Honor, we have  
19 prepared, and it was in draft form until this morning,  
20 an affidavit by Mr. Gregg Phillips that addresses  
21 succinctly those points.

22 First, being with regard to sub Roman  
23 numeral 5, that to the best of my clients' personal  
24 knowledge, the name, identity of the person or  
25 organization that accessed the electronic information

1 from a computer.

2 It's alleged in the Complaint -- it was  
3 revealed in open court and is accurate during the  
4 hearing on October 6, 2022. To be precise, it is  
5 Mr. Phillips' understanding that the computer in  
6 question may not have been actually owned by Konnech,  
7 Inc., as that term is commonly understood.

8 Upon information and belief, the server  
9 from which the information was accessed was located in  
10 China. There is an attachment to this affidavit  
11 indicating that.

12 Now, with regard to little Roman numeral  
13 6, directly or through counsel, as the Court direct,  
14 defendants and defendants' counsel, me, will  
15 confidentially, with all diligence, expedience and in  
16 good faith, with the plaintiff and plaintiff's  
17 counsel, to answer all questions set out to address  
18 all matters identified to the best of their personal  
19 knowledge, subject to any protective order the Court  
20 may issue and will do so at the earliest opportunity  
21 convenient for all parties and counsel.

22 As I've told counsel, who I first met this  
23 morning, you know, I'm willing to do that starting  
24 this afternoon. I will say that we went through a lot  
25 yesterday, and it is very involved.

1                   And so I think it would be most efficient  
2 for us, at least to make that effort. Face to face,  
3 I'm confident we can do that. I've already disclosed  
4 today, I'm going to guess ten times more than they  
5 knew before today. And I'm going to continue that  
6 process.

7                   Now, with regard to subsection 7, Roman  
8 numeral, to the best of my knowledge, that is  
9 Mr. Phillips, the only persons and/or entities who had  
10 the electronic information to which I understand the  
11 order is directed in his, her or its possession,  
12 custody or control is that same person identified in  
13 court on October 6, 2022, and the Federal Bureau of  
14 Investigation, including but not necessarily limited  
15 to Special Agent Huy, H-U-Y, "Bobby," Nguyen, spelled  
16 N-G-U-Y-E-N; and/or Keven McKenna, M-C-K-E-N-N-A, of  
17 the San Antonio division. I've confirmed, as best I  
18 can, those are actual special agents.

19                   I've also confirmed, to my satisfaction,  
20 that there were significant communications. I've seen  
21 text messages between our clients and those agents.  
22 And I've also been able to discern, based in part on  
23 my colleague's experience with these databases, that  
24 the information was too massive to have went from  
25 Mr. Hasson -- I'll come out and say the name, so we

1 know who we're talking about -- Mr. Hasson to my  
2 clients to the FBI.

3 What apparently happened is, the data is  
4 so the massive this cannot fit on any individual  
5 computer. So we surmised, based on the best of our  
6 efforts and we're willing to work with counsel to get  
7 the nuts and bolts, that the information went from  
8 Konnech or Hasson -- or --

9 THE COURT REPORTER: Excuse me, I didn't  
10 hear you. Can you speak louder and get to the  
11 microphone, please.

12 MR. WYNNE: It's our understanding that  
13 the information went from Mr. Hasson and whoever he's  
14 associated with directly to the FBI. But as we've  
15 been directed, we will work diligently with  
16 plaintiff's counsel, you know, to get to the bottom of  
17 the matter.

18 THE COURT: How is that name spelled, so  
19 that court reporter has it?

20 This is a different court reporter than  
21 the one that was present at the other proceeding.

22 You said what "Hassan"?

23 MR. WYNNE: I understand it's

24 H-A-S-S-A-N --

25 UNIDENTIFIED SPEAKER: O-N.

1 MR. WYNNE: 0-N. Thank you.

2 THE COURT: All right. Okay.

3 MR. WYNNE: I would like to tender this  
4 affidavit -- I'm going to have to mark it in  
5 handwriting as Defense 1.

6 THE COURT: Has that's been filed?

7 MR. WYNNE: It has not been filed.

8 THE COURT: You need to pass it back.

9 Has anything been filed by you or any  
10 other counsel since the proceeding back in early  
11 October? October 15 or so, whatever that date is.

12 MR. WYNNE: I believe there is a motion to  
13 seal that has been or is being filed. We've decided  
14 to not go that course following the consultation with  
15 our clients and just to proceed with this. So we can  
16 file it --

17 THE COURT: No, no, no. Let me just be  
18 clear. I'm trying to find out what data and what  
19 information has been provided to the Court already.

20 As I understand your response, no filings  
21 have been made in this case since the response to the  
22 temporary restraining order. And I believe that might  
23 have been filed by Mr. Akers, defendants' response,  
24 back on September 23rd.

25 There has been no filings since that time.

1 Is that correct?

2 MR. WYNNE: That is -- that is correct,  
3 from my review of the docket sheet. I'll represent to  
4 the Court that I didn't want to file this until this  
5 morning when I had the facts straight.

6 THE COURT: All right. Let me get a  
7 response from counsel, and then we'll come back to  
8 you.

9 MR. PAMPHILIS: Your Honor, to answer your  
10 last question, my understanding is the only thing that  
11 has been filed since the October 6 hearing, other than  
12 a motion to withdraw by Mr. Brewer, was a document  
13 they filed called a Motion For Abeyance.

14 And they tried to stop this case from  
15 proceeding for a week while they brought in new  
16 counsel, and because they said they were expecting  
17 that this sealed Indictment, which still remains  
18 sealed, was going to be made available and that  
19 somehow that was going to have a bearing on this  
20 proceeding. That never happened.

21 THE COURT: By "sealed Indictment," are  
22 you referring to a matter that was brought to the  
23 Court's attention back at that hearing having to do  
24 with the California proceeding?

25 MR. PAMPHILIS: Yes, Your Honor.

1                   THE COURT: Okay. So the answer to the  
2 question is: There have been no documents  
3 pertaining -- as far as you know, you have not  
4 received, I gather, any documents from counsel, from  
5 any parties, regarding a response to the Court's Order  
6 to Show Cause?

7                   MR. PAMPHILIS: That is correct, Your  
8 Honor.

9                   And if I may proceed, the defendants'  
10 contempt in this case, frankly, to me is shocking.  
11 I've not seen in my career such a direct affront to a  
12 Court's authority as has been on full display in this  
13 courtroom for Your Honor to see.

14                   I understand the defendants have new  
15 counsel now. Yet, again, we're hearing different  
16 stories about the data; who had it, where it came  
17 from, where it went to.

18                   The bottom line is that for 45 days their  
19 contempt has remained unabated. They've not purged  
20 their contempt. Six days after our last hearing, they  
21 filed a motion to hold this matter in abeyance. And  
22 in that, they again raised the same arguments that  
23 this Court has rejected that they couldn't reveal this  
24 information based on national security and concerns  
25 for physical safety. But more importantly, they

1 acknowledged again they weren't complying. And they  
2 haven't done anything more to comply.

3 Also, it's important, Your Honor -- and I  
4 want to bring this to the Court's attention -- at the  
5 last hearing, as Your Honor will remember, after a lot  
6 of back-and-forth, Mr. Akers finally identified this  
7 person, Mike Hasson, for the record.

8 After the hearing, we did our own research  
9 to figure out who this Mike Hasson is. As you might  
10 imagine, there is more than one in the country. I was  
11 able to find an address. I was able to figure out who  
12 I think his parents are, where he works.

13 I gave that information to Mr. Akers on  
14 three separate days. I asked him to please confirm  
15 that I have the right Mike Hasson; the order requires  
16 you to identify these people. And just giving me a  
17 name, without something more, is not enough.

18 This is a person that Mr. Phillips admits  
19 he spent the night in a hotel room with in Dallas.  
20 Surely, he has some contact information. We actually  
21 brought a photo of Mr. Hasson, the one we believe it  
22 is today; one with a beard, one without. And we asked  
23 through his counsel: Please tell us if this is the  
24 right Mike Hasson. They weren't able to confirm it.

25 I know Your Honor wants us to bring Mike



1 Hasson into the lawsuit. We have moved to amend our  
2 Complaint to add Mike Hasson. I want to make one  
3 hundred percent sure that I'm bringing the right Mike  
4 Hasson in. So, I think, even under section 5, by  
5 providing that one name, they've not complied.

6 Furthermore, Your Honor, as I pointed out  
7 at the last hearing, section 5 didn't require them to  
8 identify just one person. It required them to  
9 identify each person that was involved in accessing  
10 the information here.

11 There is evidence before the Court that we  
12 put in with our motion for TRO and preliminary  
13 injunction, as well as the contempt order, that  
14 Mr. Phillips has been all over the internet, saying  
15 that they're -- he got this information with his guys,  
16 with his analysts, with his team, all referring to the  
17 plural. And that there was -- the clear indication is  
18 that there was more than one person in that hotel  
19 room. Anybody who was in that hotel room was  
20 involved.

21 And, so, again, they're going to have to  
22 tell us each and every person that was involved to  
23 comply with section 5. And they're going to have to  
24 give us the contact information that they have in  
25 order to comply. We don't have that information.

1 Under section 6, Your Honor, they were  
2 required to confidentially disclose to Konnech how and  
3 when and by whom its protected computers were  
4 accessed.

5 As was just said in front of this Court,  
6 they haven't complied with that. They're talking  
7 about doing that in the future. They've had 45 days  
8 to comply. If it wasn't apparent from the last  
9 hearing on October 6th what the Court expected them to  
10 do, I don't think it could be made any more apparent.  
11 They did nothing.

12 The October 17th Show Cause Order was  
13 issued by this Court ten days ago. Again, they did  
14 nothing, other than get on their podcast and talk  
15 about this case and the case in L.A.

16 What they weren't doing was complying with  
17 this Court's order. The first time I heard from  
18 Mr. Wynne, who is new to the case, was by e-mail last  
19 night at 10:16, after I had already gone to sleep.

20 He and I were able to speak this morning,  
21 and I told him that I am willing to work with him to  
22 help him help his clients purge their contempt, but  
23 that does not change the fact that they're in  
24 contempt.

25 Under section 7 of the TRO, they were

1 required to identify all persons and/or entities, who,  
2 in their knowledge, have had possession, custody or  
3 control of any information or data from Konnech's  
4 protected computers.

5           They've told us that they turned it over  
6 to the FBI. What they haven't told us is whether  
7 anybody else has it to their knowledge. They don't --  
8 you've heard them say now -- he didn't say whether  
9 Mr. Phillips has it. He didn't say whether  
10 Ms. Engelbrecht has it, or True The Vote, or any other  
11 law enforcement or government attorney.

12           Does the L.A. D.A. have it? We don't  
13 know. They haven't told us, these are the only people  
14 that I know have it. Instead, they're saying we know  
15 these people have it, but they're not saying these are  
16 the only ones.

17           Your Honor, what we're asking for is that  
18 the Court require the defendants to put on the record  
19 today all of the information required by section 5, 6,  
20 7 of the TRO. And to the extent they're unwilling to  
21 do that, I believe there needs to be a coercive  
22 sanction issued; that they be fined a specific amount  
23 per day, and/or confined to jail until they comply.  
24 That is perfectly within the Court's authority to do,  
25 either or both of those things.

1           In addition to that, Your Honor, we've  
2 asked for compensatory sanctions. My client has spent  
3 the last 45 days chasing these guys to get compliance  
4 with the contempt order.

5           To this point, we've already incurred over  
6 \$130,000 in attorneys' fees doing just that, including  
7 having to wait here in the courtroom for three hours  
8 when Mr. Akers didn't appear for the hearing on  
9 October 6th because he had another matter that he  
10 didn't tell us about until the last minute.

11           Also, Your Honor, my client has had to --  
12 because of their noncompliance, spend money on  
13 additional IT security. It has hired people at the  
14 cost of \$15,000 after the TRO was issued to try to  
15 figure out if their system was in fact hacked and by  
16 whom.

17           And by them not telling us who all was  
18 involved, they've kept us from completing that  
19 investigation, so that we can figure out what in fact  
20 happened here. And as counsel just admitted, they  
21 don't even know if it was a Konnech computer that was  
22 accessed. After all of this, they don't even know.

23           Meanwhile, these statements they've made  
24 are destroying my client's company, and they're trying  
25 to destroy Mr. Yu as well; all based on these

1 podcasts, where they're out there, speaking for hours  
2 on end about something they clearly don't know  
3 about -- or at least they're saying they don't know  
4 about it now.

5           They are in direct contempt of this  
6 Court's order. They have been so for 45 days. The  
7 fact that they waited until appearing here this  
8 morning to try to say we'll fix it, we finally get it,  
9 that's too late. The damage has already been done,  
10 and they need to be sanctioned for it, Your Honor.

11           THE COURT: Let me ask a couple questions,  
12 and then you can go ahead and make your statement.

13           You made a statement earlier -- I couldn't  
14 follow. You said: We, meaning, I gather, you and/or  
15 your clients, went through a lot yesterday. I don't  
16 know what you meant by that, so you can explain that  
17 for me.

18           And, secondly, let me just inform you that  
19 the motion for contempt cannot be responded to by a  
20 written affidavit at this point in time. It requires  
21 the testimony of persons who are willing and able to  
22 testify regarding the circumstances or suffer the  
23 consequences, whatever those might be.

24           So if your client is not willing to  
25 testify, then that's certainly their prerogative. But

1 they should also be aware that failing to testify  
2 could result in them being incarcerated and held until  
3 they give testimony or take the Fifth Amendment, if  
4 they believe they're going to criminally implicate  
5 themselves.

6 And If they think they're going to  
7 criminally implicate themselves, they need to get  
8 counsel and get advice from a criminal defense lawyer,  
9 who can explain to them what the contempt proceedings  
10 are about.

11 This is not criminal contempt. This would  
12 be coercive contempt. And the point of coercive  
13 contempt is they hold the keys to the jailhouse, as we  
14 might say. They can get out any time they want to.  
15 All they have to do is comply with the Court's orders.

16 And with that in mind, you may go ahead  
17 and proceed with rest of your comments or responses.

18 MR. WYNNE: Yes, Your Honor. I'll address  
19 them in order. First, with regard to the photograph,  
20 my client is bound, of course, to tell the whole  
21 truth. The photograph, as I understand it, is seven  
22 years old. So --

23 THE COURT: I'm sorry, the what?

24 MR. WYNNE: The photograph --

25 THE COURT: Are you talking about what

1 was handed -- let me say this: If y'all had something  
2 you wanted to work out with counsel, this is not the  
3 time to do it. You-all have been -- y'all sat here.  
4 I kept you waiting for over an hour. I mean, you  
5 should have talked to each other about how you could  
6 work this out. Perhaps some kind of accommodation  
7 could be reached.

8 But you cannot tell me what you intend to  
9 do or what you want to do, what your clients might do,  
10 as a basis for satisfying the motion for contempt.

11 MR. WYNNE: Absolutely. I was just trying  
12 to respond to the comment/suggestion that we did not  
13 respond to the offer of the photograph. We did to the  
14 best of our ability today. And it's seven years old.  
15 So that was a challenge.

16 With regard to -- counsel mentioned that  
17 we did not present the California charging document.  
18 I understood that the Court did not want to hear about  
19 anything that is happened in California. I have a  
20 copy of it right here that I can tender to counsel,  
21 along with the Michigan conditions of release. I'll  
22 do that.

23 With regard to sub Roman numeral 5, again,  
24 my client is under penalty of perjury with regard to  
25 this affidavit. So what happened, based on my

1 understanding --

2 THE COURT: I'm sorry. Penalty of  
3 perjury under what --

4 MR. WYNNE: Under the affidavit that I  
5 have prepared and that he has signed by notary. So  
6 all that he could say --

7 THE COURT: No. He's under penalty of  
8 perjury here, too --

9 MR. WYNNE: In this proceeding --

10 THE COURT: If he's in this courtroom and  
11 he wants to avoid being held in contempt, he will  
12 testify today.

13 MR. WYNNE: Absolutely.

14 THE COURT: Or he will have a better legal  
15 excuse than what you're giving now; that is, we're  
16 going to get around to it.

17 MR. WYNNE: No, no. Maybe this will be  
18 helpful.

19 THE COURT: I don't want you to help me.  
20 You need to help your client. I'm not in need. I'm  
21 here to enforce an order that was entered by this  
22 Court back on October 17 directing the defendants to  
23 show cause why they shouldn't be held in contempt.

24 You cannot testify for them. Nothing you  
25 say is testimonial. It's lawyer talk. And there is



1 nothing you can say that can excuse what the conduct  
2 appears to be. Only they can testify under oath as to  
3 why these things cannot be. And I can then judge that  
4 on a credibility basis, et cetera. Otherwise, your  
5 arguments are simply -- they're not of any weight.

6 MR. WYNNE: I understand, Your Honor.

7 May I address the attorneys' fees issue?

8 THE COURT: Certainly. Go ahead.

9 MR. WYNNE: The concern I have with that,  
10 or any response on that, is, it's my understanding  
11 that the clients' organization is funded by a  
12 political action.

13 THE COURT: Say that again.

14 MR. WYNNE: My client is funded by a  
15 political action committee. Therefore, I'm hesitant  
16 for anyone to pledge the funds of a political action  
17 committee to pay attorneys' fees or any ongoing  
18 damage. Just not in a position to do that. I want to  
19 make sure the law is fully complied with. So I'm  
20 guessing that is premature.

21 THE COURT: It might be. And it has  
22 nothing to do with me, except the question of whether  
23 or not --

24 (Counsel conversing with each other.)

25 THE COURT: I'm sorry, counsel.

1           It has nothing to do with me except  
2 whether or not there is some basis for some financial  
3 penalty or sanction against your client. It still  
4 wouldn't be of any concern to me, where they, at least  
5 not my concern, as to how they might satisfy that.

6           I'm not of the opinion that monetary  
7 sanctions are necessarily going to satisfy anything.  
8 I am concerned that if the parties have violated state  
9 and federal law, that they account for it. That is  
10 all. It has nothing to do with how much money anybody  
11 has lost. It has to do with the computer act and the  
12 statutes. It has to do with cyber attacks. And there  
13 is various and plenty of law on the books regarding  
14 this.

15           So what I'm asking you is -- first of all,  
16 you have to understand that you can file anything you  
17 want. I think the filing room is on the fifth floor?

18           THE CASE MANAGER: Yes, Your Honor.

19           THE COURT: You can file anything you want  
20 there. The point I'm making is: You cannot file  
21 anything here. You cannot pass anything up to me as  
22 way of avoiding what has to happen here. And that is:  
23 Either your clients get on the witness stand and  
24 testify regarding these situations and explain to it  
25 me, or they're going to be held in contempt anyway for

1 not giving me the information.

2 MR. WYNNE: Let me ask the Court: If I  
3 put one of my clients on the witness stand, and I  
4 present them with an item that has not yet been  
5 interviewed and it's introduced --

6 THE COURT: What do you mean by has not --

7 MR. WYNNE: That is not in evidence. Will  
8 this be treated as a trial, where it could have the  
9 witness prove the document up, offer it for admission  
10 in this courtroom without going downstairs?

11 THE COURT: Not an affidavit.

12 MR. WYNNE: No, a regular document.

13 THE COURT: I don't know what document you  
14 have. I don't know what value they have. I think  
15 that any evidence that may be presented by your  
16 client, or by you, certainly has to pass the evidence  
17 test; that is, the persons who are presenting evidence  
18 should have some knowledge as to the circumstances  
19 that it was developed. It's either their personal  
20 documents or it's the public document.

21 But if these are documents that have come  
22 from somewhere out in the world, and they cannot be  
23 authenticated, then that's the first problem. That is  
24 what the rules say. Authentication can be a problem.

25 MR. WYNNE: That's what I wanted to

1 confirm. Thank you, Your Honor.

2 I'd ask for a few minutes to confer with  
3 my clients. Since the Court probably knows, I'm a  
4 criminal defense lawyer as well, and I need to give  
5 them the appropriate admonishments.

6 THE COURT: Certainly. Feel free.

7 Counsel, Mr. Wynne, my case manager is  
8 going to speak to you just briefly.

9 Counsel, we're going to take a 15-minute  
10 break. That should be sufficient time for them to  
11 discuss these matters with their clients, and I'll be  
12 back at 2:05.

13 (Court in recess.)

14 THE COURT: Please be seated.

15 All right. Counsel, you may proceed.

16 MR. WYNNE: Yes, Your Honor. Defendants  
17 call Gregg Phillips.

18 THE COURT: Please come forward, sir.  
19 I'll swear you in.

20 Counsel, all questioning can be done from  
21 the podium. So you can turn it -- no, no. You can  
22 turn the podium itself so that you're facing the  
23 witness.

24 All right. Let's do a test.

25 What is your full name?

1 THE WITNESS: Gregg Allen Phillips.

2 THE COURT: All right.

3 You may proceed.

4 GREGG PHILLIPS,

5 The witness, after being sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WYNNE:

8 Q. Mr. Phillips, you understand that you're one  
9 of the named defendants in this case; correct?

10 A. Yes, sir.

11 Q. Would you please very briefly introduce  
12 yourself to the Court, including generally your  
13 name -- or your -- where you went to college, your  
14 age; very general biographical information?

15 A. Yes, sir. My name is Gregg Phillips. I'm 62  
16 years old. I went to University of Alabama and  
17 currently have homes in a couple states, including  
18 Alabama.

19 Q. And then what is your current association, if  
20 any, with the third named defendant that is True The  
21 Vote, Incorporated?

22 A. A contractor.

23 Q. Have you ever held any other positions?

24 A. Yes, sir. I was on her board -- Tru The  
25 Vote's board from 2014 to January or so of 2017.

1 Q. All that said, do you feel that you are  
2 qualified today to respond to the specific enumerated  
3 items set out in the temporary restraining order on  
4 behalf of all three of the named defendants?

5 A. Yes, sir.

6 Q. I'm going to hand you a copy of that  
7 temporary restraining order, which is docket entry  
8 number 9 in this proceeding.

9 I'm going to turn to the items that were  
10 discussed earlier today; those being small Roman  
11 numeral 5, 6 and 7.

12 May I approach?

13 THE COURT: Please.

14 BY MR. WYNNE:

15 Q. Now, you understand the Court has ordered the  
16 three defendants to respond to -- I'll start with  
17 small Roman numeral 5.

18 A. Yes, sir.

19 Q. Would you please read that?

20 A. "Ordered to identify each individual and/or  
21 organization involved in accessing Konnech's protected  
22 computers."

23 Q. How do you understand the term "accessing"?

24 A. I assume, having some access to the data  
25 inside the computer.

1 Q. Let me ask you to answer that question.

2 Within your personal knowledge, what is the answer?

3 A. Mike Hasson.

4 Q. Is that the spelling that has been provided  
5 earlier today?

6 A. Yes, sir.

7 Q. Do you personally have any address or other  
8 information that might assist someone in locating  
9 Mr. Hasson?

10 A. No, sir.

11 Q. When did you first meet him?

12 A. I probably met him some time in the -- you  
13 know, mid-2014, '15.

14 Q. With regard to this case -- with regard to  
15 this case and in responding to the question that the  
16 Court has posed, what is the basis for your statement  
17 that he is the only one you're aware of who accessed  
18 the information stored on what's described as  
19 Konnech's computer, although there is some question  
20 about actual ownership? How do you know that?

21 A. How do I know that he was the only one?

22 Q. How do you know that he was the one in any  
23 respect whatsoever?

24 A. I was asked to come to a meeting in a hotel  
25 in Dallas in -- sometime late January, early February

1 of 2021 I met Mike. And he plugged his computer into  
2 the -- the television in the hotel room and showed me  
3 what he had found.

4 Q. Did any -- forgive me if I get the  
5 terminology -- but did any downloading occur in your  
6 presence in that hotel room when the -- whatever was  
7 up on the TV screen was up on the TV screen -- was any  
8 access happening?

9 A. No.

10 Q. Did it appear to you that any accessing that  
11 was done had already been done by the time you walked  
12 into the hotel room?

13 A. Yes, sir.

14 MR. PAMPHILIS: Your Honor, I would object  
15 to leading the witness. This is his witness.

16 THE COURT: I'll sustain it.

17 BY MR. WYNNE:

18 Q. What, if anything, was your impression on the  
19 temporal relationship -- that is the time relationship  
20 between when you walked into the hotel room and  
21 whenever whoever it was downloaded the information or  
22 data that appeared on the TV monitor that you saw?

23 A. It took about 20 minutes to get his computer  
24 hooked to the television screen. He had a problem  
25 with the cord that needed to hook into the hotel



1 screen. Once he pulled it up, he went straight to his  
2 files that he was showing me.

3 Q. Was it your impression that information was  
4 actively being retrieved at that moment in the hotel  
5 room, or was it your impression that that had already  
6 been done, and he was showing you something that had  
7 been done in the past?

8 A. I think it was being done in the past. He  
9 certainly wouldn't have been -- there wouldn't have  
10 been enough bandwidth at the hotel to download that  
11 kind of data.

12 Q. Do you have, in your possession, a copy of  
13 this electronic information that was displayed on that  
14 screen in the hotel room in Dallas?

15 A. No, sir.

16 Q. Does Ms. Engelbrecht have a copy?

17 A. No.

18 Q. Does True The Vote have a copy?

19 A. No, sir.

20 Q. Does anybody associated with True The Vote  
21 have a copy?

22 A. No, sir.

23 Q. Who else, if anyone, in your personal  
24 knowledge -- let me put it like this: To the best of  
25 your knowledge, whether direct or indirect, has a copy

1 of that electronic data that you saw on the monitor or  
2 projected on the monitor in --

3 MR. PAMPHILIS: I'm going to object. That  
4 calls for speculation. He modified the standard for  
5 the witness's testimony by saying to the best of his  
6 knowledge.

7 THE COURT: I'm going to sustain it as to  
8 the form of the question.

9 BY MR. WYNNE:

10 Q. I guess everything is to the best of your  
11 knowledge here. So --

12 THE COURT: No, sir. It's true or not  
13 true. If he doesn't know, that's the answer.

14 BY MR. WYNNE:

15 Q. Okay. Who else has copies?

16 A. Federal Bureau of Investigations.

17 Q. How do you know that?

18 A. Because post the meeting, Catherine  
19 Engelbrecht and I met with the bureau. Told them that  
20 it exists, told them who had it, and he transmitted it  
21 to the bureau.

22 Q. Did you ever have a copy of the electronic  
23 data on your computer or otherwise in your individual  
24 possession?

25 A. No.

1 Q. Let's move on to item 6. I ask you to read  
2 that, please.

3 A. "Ordered to confidentially disclose to  
4 Konnech how, when and by whom Konnech's protected  
5 computers were accessed."

6 Q. Are you and the other co-defendants willing  
7 to confidentially engage in that exercise in general?

8 A. To the best of my ability, sure.

9 Q. Now, I want to try -- I'm going to ask you a  
10 question right here. How, when and by whom were  
11 what's described as Konnech's protected computers -- I  
12 know there is a question about that, how that is  
13 modified -- were accessed, within the confines of this  
14 case? I'm not talking about somebody else doing  
15 something we don't know about. But what is your  
16 answer to this question?

17 THE COURT: Is this still on 6?

18 MR. WYNNE: 6, yes.

19 THE COURT: Okay.

20 THE WITNESS: I don't know how it was  
21 accessed. I know it was accessed because I saw it,  
22 and I subsequently learned that the information had  
23 become important to the FBI.

24 The when, given the size of the data that  
25 I understand was downloaded, it was somewhere in the

1 350-terabyte range, and was downloaded over  
2 approximately three months in the first quarter of  
3 2021.

4 BY MR. WYNNE:

5 Q. Is that your educated guess as to when and  
6 how long it took?

7 A. Yes.

8 Q. And the last part, by whom was this  
9 information -- again qualifying who owns and doesn't  
10 own. By whom was it accessed?

11 A. Mike Hasson.

12 Q. What's the basis of that answer?

13 A. Because Mike subsequently transmitted the  
14 information to the FBI.

15 Q. Now I'm going to move to number 7. And would  
16 you read that, please?

17 A. Yes, sir. "Ordered to identify all persons  
18 or entities in defendants' knowledge who have had  
19 possession, custody or control of any information or  
20 data from Konnech's protected computers."

21 Q. Okay. I'm go to add the same qualification.  
22 There is some question about whether Konnech actually  
23 owned the protected computers.

24 Subject to that qualification, what is the  
25 answer?

1 A. Mike Hasson and the FBI.

2 Q. And I'm going to --

3 MR. WYNNE: I'm going to pass the witness.

4 MR. PAMPHILIS: Your Honor, can we turn on  
5 the monitors? There may be some exhibits that need to  
6 be shown throughout the courtroom.

7 THE COURT: You can try and let's see if  
8 it will show up. Have you connected by laptop into  
9 the system?

10 MR. PAMPHILIS: He did it the last time we  
11 were here.

12 THE COURT: Is that Nathan Richardson?

13 MR. RICHARDSON: Yeah.

14 THE COURT: Gentlemen, do y'all have the  
15 images on the screen there before you?

16 MR. WYNNE: Yes, Your Honor.

17 THE COURT: Okay.

18 CROSS-EXAMINATION

19 BY MR. PAMPHILIS:

20 Q. Good afternoon, Mr. Phillips.

21 Mr. Phillips, you still have the TRO in  
22 front of you; correct?

23 A. Yes, sir.

24 Q. As I understand from your testimony, most of  
25 what you say happened with the data at issue here was

1 something that Mike Hasson did; correct?

2 A. Yes.

3 Q. Did you meet Mike Hasson for the first time  
4 in that hotel room in Dallas in 2021?

5 A. No, sir.

6 Q. You had met him back in 2014; right?

7 A. Approximately.

8 Q. In connection with what?

9 A. I don't know. I think we were at a meeting  
10 together.

11 Q. Do you know what the meeting was about?

12 A. I don't.

13 Q. Was it an organization that was meeting?

14 A. I don't know.

15 Q. Okay. Was that the only time you had met  
16 Mike Hasson before meeting him in that hotel room in  
17 2021?

18 A. I think so.

19 Q. Were there other people there in 2014?

20 A. Yes.

21 Q. How many other people?

22 A. One.

23 Q. Who?

24 A. Oh, in 2014?

25 Q. Yes, sir.

1 A. I'm so sorry. I don't recall the meeting.  
2 So I assume probably a lot more, yeah.

3 Q. So by your answer, I take it, there was  
4 somebody else in that hotel room with you and  
5 Mr. Hasson in January of 2021, wasn't there?

6 A. Yes.

7 Q. Who was that?

8 MR. WYNNE: Your Honor, I'm object. This  
9 is beyond the scope.

10 THE COURT REPORTER: Can you speak into a  
11 mic, please?

12 MR. WYNNE: I have to object. Because  
13 this is beyond the scope. I also have a concern, not  
14 only that, but the answer may compromise a  
15 confidential informant of the FBI.

16 THE COURT: How do you know all of this?  
17 Have you talked to the FBI?

18 MR. WYNNE: I --

19 THE COURT: I'm sorry. That's a yes-or-no  
20 question.

21 Have you talked or discussed this matter  
22 with the FBI?

23 MR. WYNNE: This matter, I have not  
24 discussed with the FBI.

25 THE COURT: Overruled. Let's proceed.

1 MR. PAMPHILIS: Thank you, Your Honor.

2 BY MR. PAMPHILIS:

3 Q. Who else was in that room with you and  
4 Mr. Hasson in Dallas of January of 2021?

5 A. A confidential informant for the FBI.

6 Q. What's his name?

7 A. I'm not at liberty to say.

8 THE COURT: You are at liberty to say  
9 because I'm ordering you to give the name.

10 THE WITNESS: I'm a confidential  
11 informant, too. I can't do it.

12 BY MR. PAMPHILIS:

13 Q. You're refusing to answer the question, sir?

14 A. Yes.

15 MR. PAMPHILIS: Your Honor, we ask that  
16 Mr. Phillips be held in contempt for refusing to  
17 answer this question. This concerns item number 5 in  
18 the TRO; specifically, who was involved in accessing  
19 Konnech's protected computers.

20 This individual was in the room when it  
21 was being accessed. He was involved. He should be  
22 identified.

23 THE COURT: Let's proceed. Keep asking  
24 questions. Let's go.

25 BY MR. PAMPHILIS:



1 Q. Was there anybody, other than you,  
2 Mr. Hasson, and this confidential informant, as you  
3 say, that you won't identify, in that hotel room that  
4 night?

5 A. No.

6 Q. What's your relationship with this other  
7 individual that was there?

8 A. He was a contractor.

9 Q. He was a contractor for you?

10 A. Yes.

11 Q. Was he someone that you paid to be there?

12 A. Yes -- no, not to be there, but he was a  
13 contractor.

14 Q. Did you have a contractual relationship with  
15 him?

16 A. Earlier in 2020, yes.

17 Q. What was the nature of the contractual  
18 relationship?

19 A. Advised me.

20 Q. On what sort of matters?

21 A. Matters about election intelligence.

22 Q. Is he the one who arranged this meeting  
23 between you and Mr. Hasson in that hotel room in  
24 January of 2021?

25 A. I don't know. I don't think so.

1 Q. Who told you where the meeting was going to  
2 be and when?

3 A. Mike.

4 Q. So Mr. Hasson contacted you directly to  
5 arrange the meeting. Is that right?

6 A. As I recall.

7 Q. Did he call you?

8 A. Probably not.

9 Q. Did he e-mail you?

10 A. Probably used an app.

11 Q. He contacted you on social media you think?  
12 Is that it?

13 A. No. On a messaging app.

14 Q. Do you know which messaging app?

15 A. I don't.

16 Q. Was it a text?

17 A. No. A messaging app.

18 Q. Like WhatsApp?

19 A. No. We don't use WhatsApp.

20 THE COURT: I'm sorry?

21 THE WITNESS: We don't use WhatsApp.

22 BY MR. PAMPHILIS:

23 Q. What sort of messaging apps would you have  
24 used in 2021, sir?

25 A. Wickr, Signal. There's quite a number of

1 them.

2 Q. Could you tell that it was Mr. Hasson that  
3 was contacting you by this messenger app?

4 A. I don't recall the message. So I don't know.

5 Q. Did you see the message on your phone or on a  
6 computer?

7 A. Probably on my phone, but I don't know.

8 Q. Do you still have the message?

9 A. No.

10 Q. So what did Mr. Hasson say the purpose of  
11 this meeting was going to be?

12 A. That he had encountered some information he  
13 thought was important for me to see.

14 Q. Did he tell you what it was?

15 A. No.

16 Q. Now, you're aware, sir -- you frequently  
17 appear on podcasts, talking about this meeting that  
18 we're talking about here; right? You know that?

19 A. Sure.

20 Q. And, in those podcasts, do you recall  
21 referring to the people you were meeting with as "your  
22 guys"?

23 A. I have no idea.

24 Q. Do you recall referring to them as "your  
25 analysts"?

1 A. I'm a confidential informant. I refer to  
2 people that I meet with in a lot of different manners.

3 Q. You don't recall that, though, sir?

4 A. I don't remember.

5 MR. PAMPHILIS: Your Honor, we would like  
6 to present a video from one of these podcasts. It's  
7 very short, 30 seconds.

8 THE COURT: All right.

9 (The video played.)

10 BY MR. PAMPHILIS:

11 Q. So the time that you met Mr. Hasson in the  
12 hotel room in January of 2021, that was only the  
13 second time you had met him. Is that right?

14 A. As far as I'm aware.

15 Q. Had you been in communication with him in  
16 between 2014 and 2021?

17 A. Not that I recall.

18 Q. Did you know anything about his background?

19 A. No.

20 Q. You didn't know where he worked?

21 A. Nope.

22 Q. Do you know anything about any political  
23 organization he was affiliated with?

24 A. No, sir.

25 Q. Do you know who his parents are?

1 A. No.

2 Q. This is someone you didn't know at all  
3 basically, is that fair, when you went to that hotel  
4 room in January of 2021?

5 A. Except that he was a confidential informant.

6 THE COURT: I'm sorry. Who are you  
7 calling a confidential informant?

8 THE WITNESS: Mike Hasson.

9 BY MR. PAMPHILIS:

10 Q. Did Mike Hasson tell you he's a confidential  
11 informant?

12 A. No. I knew it because I am an informant.

13 Q. So who told you that Mr. Hasson was a  
14 confidential informant?

15 A. The bureau.

16 Q. Who?

17 A. I don't recall. I work with a lot of people  
18 at the bureau.

19 Q. Was it a special agent who told you that?

20 A. Sure.

21 Q. Do you know where that special agent offices  
22 out of?

23 A. I don't.

24 Q. Do you know if it's a special agent here in  
25 Texas?

1 A. It might be.

2 Q. Did you have that information when you went  
3 to meet with Mr. Hasson in January of 2021 that he was  
4 a confidential informant, as you were told?

5 A. I think so.

6 Q. Did you have reason to believe that  
7 Mr. Hasson was someone that you could trust?

8 A. Sure.

9 Q. Do you know anything about where he got the  
10 data that he showed to you in that hotel room?

11 A. He told me that he accessed it from a server  
12 in China.

13 Q. Did he mention the name "Konnech" in that  
14 regard?

15 A. Not directly, but it was indirectly related  
16 because of the way that he showed me where the server  
17 was.

18 Q. Were you able to independently verify that  
19 that data you were seeing came from a Konnech server  
20 in China?

21 A. Was I able to? No, but that's not my job.  
22 My job was to -- once I learned it, to hand off the  
23 information to the FBI.

24 Q. Your job for who?

25 A. The FBI, as a confidential informant.

1 Q. Does the FBI pay you to be a confidential  
2 informant?

3 A. No.

4 Q. When do you claim you first became an FBI  
5 confidential informant?

6 A. When do I claim it or when did it happen?

7 Q. I'm asking when you claim it happened.

8 A. Around January of 2021.

9 Q. So you'll recall on these podcasts that you  
10 told your viewers, your followers, that you got this  
11 data, turned it over to the FBI, and that the FBI  
12 started investigating you. Do you recall that?

13 A. That's out of context.

14 Q. Is that what you said, sir?

15 A. I don't have any idea what I said.

16 Q. You can't recall it? Is it true that the FBI  
17 investigated you after you provided this data that  
18 Mike Hasson gave you?

19 A. No, it's not true.

20 Q. So if you said that, that's not true; right?

21 A. That's not what I'm saying at all. I'm just  
22 saying that that is not true.

23 Q. Is the FBI investigating you, sir?

24 A. As far as I know, they're not investigating  
25 me.

1 Q. Have you ever known that they were  
2 investigating you?

3 A. No.

4 MR. PAMPHILIS: Can we play the video now,  
5 Your Honor?

6 THE COURT: Certainly.

7 MR. PAMPHILIS: I'm going to continue on  
8 while he tries to fix this issue. It's frozen on him.

9 THE COURT: Okay.

10 BY MR. PAMPHILIS:

11 Q. So, sir, you never attempted to confirm that  
12 the data that Mike Hasson showed you actually came  
13 from a Konnech computer, did you?

14 A. No. I turned it over --

15 THE COURT: I'm sorry. You all -- if  
16 y'all are going to talk, you got to go outside. You  
17 can't keep just moving around in the courtroom.

18 Let's proceed.

19 THE WITNESS: We turned it over to the  
20 FBI.

21 BY MR. PAMPHILIS:

22 Q. Let me ask the question again. I want the  
23 record to be clear.

24 Sir, you never attempted to confirm that  
25 the data that Mike Hasson showed you came from a



1 Konnech computer, did you?

2 A. No.

3 Q. Did anybody at your direction attempt to  
4 confirm that that data came from Konnech?

5 A. I worked with the FBI for 15 months on the  
6 project.

7 Q. Sir, I'm asking -- are you saying that the  
8 FBI attempted to confirm it?

9 A. Yes.

10 Q. And I'm not asking you what the FBI said.  
11 Who at the FBI were you working with?

12 A. Two counterintelligence agents out of the  
13 Detroit office.

14 Q. Who are they?

15 A. We've got the names. We could provide them.

16 Q. Do you recall their names?

17 A. I don't recall right off the top of my head.

18 Q. Can't recall a first or last name?

19 A. No, because they go by other names often.

20 MR. PAMPHILIS: We'll try the video one  
21 more time.

22 I'll continue on so we're not interrupted.

23 BY MR. PAMPHILIS:

24 Q. Sir, you testified a moment ago that you  
25 believe that data that Mr. Hasson downloaded was 350

1 terabytes of data?

2 A. Yes, sir.

3 Q. Where did you get that number?

4 A. From Mr. Hasson.

5 Q. Did he tell you that day, that night, in the  
6 hotel?

7 A. I don't recall.

8 Q. Have you spoken with Mr. Hasson since meeting  
9 him in that hotel room in January of 2021?

10 A. Once or twice.

11 Q. Did you communicate face to face?

12 A. No.

13 Q. How do you communicate?

14 A. Via messaging app.

15 Q. Which one?

16 A. I don't recall.

17 Q. When was the last time you spoke with  
18 Mr. Hasson?

19 A. February.

20 Q. February of what year?

21 A. January. I haven't -- last time I spoke with  
22 him or communicated via the app?

23 Q. When is the last time you communicated with  
24 Mike Hasson in any way?

25 A. I think February.

1 Q. Of what year?

2 A. 2022.

3 Q. So about 13 months after you had met him in  
4 the hotel room?

5 A. Yes.

6 Q. What was the purpose of that communication?

7 A. I don't recall.

8 Q. Who contacted who?

9 A. I don't recall that either.

10 Q. When you left that hotel room in January of  
11 2021, did you leave with any electronic device that  
12 had any of that 350 terabytes of data on it?

13 A. No.

14 Q. So you didn't have a hard drive of data from  
15 that meeting in January of 2021, did you?

16 A. I don't think so.

17 Q. You're not sure?

18 THE COURT: I'm sorry. Either you had it  
19 or you didn't.

20 THE WITNESS: I don't remember, sir.

21 THE COURT: Then that's the answer.

22 THE WITNESS: Okay. I'm sorry. I don't  
23 recall.

24 BY MR. PAMPHILIS:

25 Q. You can't recall?

1 A. I can't recall.

2 Q. Do you recall looking at any of that data  
3 that Mr. Hasson showed you in the hotel room that  
4 night since that night?

5 A. I suspect there were probably a few times  
6 where we went over with the FBI, But I don't recall.

7 Q. You can't recall if you did or not; right?

8 A. I don't.

9 Q. Now, on one of your podcasts, you said that  
10 after you finished that meeting, you got in the car,  
11 and you drove down to Houston to meet Ms. Engelbrecht.  
12 Do you recall that?

13 A. Yes.

14 Q. Do you recall sharing any of the data with  
15 Ms. Engelbrecht when you met with her after that  
16 meeting?

17 A. No.

18 Q. At any point in time, did you share that data  
19 with Ms. Engelbrecht?

20 A. No.

21 Q. Sir, who has authorized you to speak on  
22 behalf of True The Vote and Ms. Engelbrecht here  
23 today?

24 A. Ms. Engelbrecht.

25 Q. She gave you authority to speak on her

1 behalf?

2 A. Yes.

3 Q. Have you interrogated Ms. Engelbrecht the way  
4 that you're being interrogated here about these  
5 issues, to know -- to be able to testify on her  
6 behalf?

7 A. She wasn't in the room.

8 Q. Sir, that wasn't my question. My question --

9 A. I've never interrogated Ms. Engelbrecht.

10 Q. Have you asked her these questions that  
11 you're being asked here today so that you could  
12 testify accurately on her behalf?

13 A. We've discussed this topic many times.

14 Q. You don't know what's in Ms. Engelbrecht's  
15 head, do you?

16 A. No, sir.

17 Q. Unless she tells you; right?

18 A. I still don't know what's in her head.

19 Q. Do you know if she, for example, ever  
20 communicated with Mike Hasson without you present?

21 A. I don't know.

22 Q. Do you know if she, for example, ever  
23 communicated with this other person, who you won't  
24 identify for us, without you present?

25 A. I don't know.

1 Q. Do you know if Ms. Engelbrecht ever saw any  
2 data from a Konnech computer?

3 A. She has indicated many times that she has  
4 not.

5 Q. She has not?

6 A. She has not.

7 Q. That's what she told you; right?

8 A. Yes.

9 Q. You don't live with Ms. Engelbrecht, do you?

10 A. No.

11 Q. Have you lived together with one another?

12 A. No.

13 Q. You live in different states; right?

14 A. Yes.

15 Q. And so how was the data sent from Mr. Hasson  
16 to the FBI?

17 A. They have a method to transmit large chunks  
18 of data directly to them.

19 Q. What's that method?

20 A. I didn't do it. You'd have to ask Mike.

21 Q. Were you involved in it being done?

22 A. No.

23 Q. Did you see it being done?

24 A. No.

25 Q. Who told you it was done?

1 A. The FBI.

2 Q. Did they tell you when it happened?

3 A. I assume some time in the first Q-1 of 2021.

4 Q. So you leave the hotel in January of 2021,  
5 having met with Mr. Hasson and this other person you  
6 won't identify. How long was it after you left that  
7 hotel room when you went to the FBI to talk about what  
8 you saw?

9 A. I think we called them a couple days later --  
10 or I called them a couple days later. We actually did  
11 the formal complaint as a CI sometime probably a month  
12 or so after.

13 Q. You first said "we called them." Was  
14 somebody else with you when you called?

15 A. No. I say "we" all the time.

16 Q. No one was with you?

17 A. Them, the FBI.

18 Q. No. I'm asking who was with you when you  
19 contacted the FBI to tell them what you saw in that  
20 hotel room in January of 2021.

21 A. No one. Me.

22 Q. How did you contact them?

23 A. Via messaging appear.

24 Q. The FBI?

25 A. Yes.

1 Q. Which messaging app?

2 A. I don't recall.

3 Q. Do you have any of those messages with the  
4 FBI?

5 A. I think we do have some.

6 Q. You saw "we do." Do you have them?

7 A. I don't have them with me. I don't have my  
8 phone.

9 Q. Did you text with the FBI about this?

10 A. Not text. Messaging app.

11 Q. But your belief is that the FBI then received  
12 these materials from Mr. Hasson sometime in February  
13 of 2021. Is that right?

14 A. No. I think I said Q-1 of 2021.

15 Q. So sometime before the end of March of 2021;  
16 is that what you're saying?

17 A. Approximately, yeah.

18 Q. Would these communications that you think you  
19 have tell us exactly when that happened?

20 A. I don't know.

21 Q. And do you know who specifically that  
22 information from Mr. Hasson was provided to at the  
23 FBI?

24 A. Probably Huy Nguyen, the name we provided  
25 earlier.



1 Q. Probably Mr. Nguyen?

2 A. Yes, sir.

3 Q. Anybody else?

4 A. There were two or three people in that  
5 office. So there might have been others on the call.  
6 I don't recall.

7 Q. In that office -- which office was that?

8 A. He works -- I think at the time he was  
9 working out of maybe Laredo. I don't really recall.

10 Q. Okay. Were any of the FBI agents that you  
11 say you dealt with on this matter located in San  
12 Antonio?

13 A. Yes.

14 Q. Who?

15 A. I mean, Huy. The names we provided earlier.

16 Q. Who was in Laredo?

17 A. Huy.

18 Q. Nguyen you mean?

19 A. Yes.

20 Q. As in N-G-U-Y-E-N?

21 A. Yes.

22 Q. Was he in Laredo or San Antonio or both?

23 A. Laredo at the time I believe. It might be  
24 Eagle Pass. I am not sure.

25 Q. Did he then move to San Antonio?

1 A. I don't know the answer to that.

2 Q. You don't know if he's the same --

3 THE COURT REPORTER: Counsel, I did not  
4 hear the question.

5 BY MR. PAMPHILIS:

6 Q. So you don't know if Mr. Nguyen is a San  
7 Antonio field agent or not?

8 A. I don't believe he's a field agent. I  
9 believe he's a representative of the intelligence  
10 community in the FBI.

11 Q. Was there anybody else involved in accessing  
12 this data in that hotel room that you saw, other than  
13 Mike Hasson, yourself, and this person who you will  
14 not identify?

15 A. Mr. Hasson was the only one that accessed the  
16 data that night.

17 Q. Sir, listen very carefully. I'm asking  
18 because the TRO says "anyone who was involved."

19 So was there anybody else involved in  
20 accessing that data, other than yourself, Mr. Hasson,  
21 and this other individual you won't identify?

22 A. No.

23 Q. Do you know if Mr. Hasson had the help of  
24 anybody else in accessing it before he arrived in that  
25 hotel room?

1 A. I don't know.

2 Q. Did you actually look at the data when you  
3 were in that hotel room?

4 A. Yes.

5 Q. Was there anything on the data that you saw  
6 that indicated it came from Konnech?

7 A. Well, it came from an IP address that the URL  
8 that they were accessing it through resolved to. Yes.

9 Q. Was there anything on the data itself that  
10 said "Konnech"?

11 A. Yes.

12 Q. Not the URL. That said it on the data you  
13 were looking at?

14 A. There was all sorts of folders and things  
15 that were being accessed. So, sure.

16 Q. And how many -- you characterized it before  
17 as poll worker records. Is that what it was?

18 A. It's the tip of the iceberg, but that was  
19 some of it, yeah.

20 Q. How many poll worker records were there?

21 A. There were 1.8 million records in that  
22 particular system. But it wasn't just -- the way that  
23 they configure everything, it wasn't just poll  
24 workers. It was election judges. There was all sorts  
25 of entries for the equipment; different software they

1 used. There were millions of entries in the  
2 spreadsheet.

3 Q. Did you take any notes of what you saw?

4 A. No, sir.

5 Q. Did you take any pictures of what you saw?

6 A. No, sir.

7 Q. Did you see anyone in the room that night  
8 taking pictures or notes of what was on the screen?

9 A. No, sir.

10 Q. How long did y'all look through the data?

11 A. Three or four hours.

12 Q. Did you ever confirm that any of the names of  
13 the people you saw were for real people?

14 A. It wasn't my job. I think the FBI did,  
15 though.

16 Q. Sir, that wasn't my question. I asked you --

17 A. No, I didn't.

18 Q. -- did you -- you did not?

19 You don't know if you were looking at  
20 dummy data or not, do you?

21 A. That night, no.

22 Q. You believe you know now that it is dummy  
23 data or not?

24 A. It's not dummy data.

25 Q. So you've seen the data since then?

1 A. Nope.

2 Q. Somebody told you it's not dummy data?

3 A. No.

4 Q. Then how do you know it's not dummy data?

5 A. Because it's been accessed since then  
6 recently.

7 Q. By whom?

8 THE WITNESS: I'm not sure I'm allowed to  
9 say, Judge.

10 THE COURT: You can answer the question.  
11 That's what you can do.

12 THE WITNESS: Los Angeles County.

13 BY MR. PAMPHILIS:

14 Q. How did they access it?

15 A. I don't know.

16 Q. Did you help them access it?

17 A. No.

18 Q. Did Mike Hasson help them?

19 A. No, sir.

20 Q. Do you know what data the L.A. County D.A.  
21 accessed?

22 A. No.

23 Q. Do you know how they accessed it?

24 A. No.

25 Q. Okay. So you don't know if the L.A. County

1 D.A. accessed the data that you saw with Mike Hasson,  
2 do you?

3 A. We know what we've been told by L.A. County,  
4 yes.

5 Q. That they accessed the same data that you  
6 saw? That's what L.A. County told you?

7 A. Yes.

8 Q. Did they tell you they did it in the same way  
9 that Mike Hasson did it?

10 A. No idea. They don't know who Mike Hasson is.

11 Q. Did they tell you how they accessed it?

12 A. No.

13 Q. Who specifically told you that at the L.A.  
14 D.A.'s office?

15 A. There were several people that we've been in  
16 contact with. I mean, I can get you the names. I  
17 don't know off the top of my head.

18 Q. That matter in L.A. is one that you started,  
19 isn't it?

20 A. No, sir.

21 Q. You've seen the L.A. D.A. come out and say  
22 that it started with a phone call from you; right?

23 A. That's false.

24 Q. That's false?

25 A. That's false.

1 Q. What's the truth then?

2 A. They contacted me --

3 MR. WYNNE: Your honor --

4 THE COURT: Hold on. Hold on.

5 Yes, sir?

6 MR. WYNNE: I object. This is far outside  
7 the scope of this hearing and certainly direct  
8 examination. The Court didn't want to get into things  
9 going on outside of this proceeding. It's gone way  
10 outside of this proceeding.

11 THE COURT: That is overruled.

12 The thing that this witness has been asked  
13 are the names of people who have accessed this data,  
14 and those names would be proper names for this Court.

15 MR. WYNNE: Understood.

16 BY MR. PAMPHILIS:

17 Q. And so who specifically at the L.A. -- in  
18 L.A. County or the L.A. D.A.'s office are you saying  
19 accessed this data?

20 A. I don't know who accessed the data.

21 Q. You don't know? You don't know what data  
22 they accessed either, do you?

23 A. Actually, I do.

24 Q. Because they told you?

25 A. Yes.

1 Q. But you don't know who they are?

2 A. Well, I think that was the point of the call  
3 that we were trying to have earlier that didn't work  
4 out. So...

5 Q. Sir, that's not an answer to the question.

6 A. Well, that's the answer to the question  
7 because that's the name of the individual.

8 Q. I am asking simply what you know.

9 Do you know the name of the individual who  
10 accessed this Konnech data?

11 A. That accessed it, no.

12 MR. PAMPHILIS: We'll try one more time on  
13 this clip.

14 (The video played.)

15 BY MR. PAMPHILIS:

16 Q. Is that true that when you met Mr. Hasson in  
17 that hotel room in Dallas that someone was putting  
18 towels under the door? Is that true?

19 A. Yes.

20 Q. Who put the towels under the door?

21 A. I don't remember.

22 Q. Is that because you guys knew that what you  
23 were doing wasn't legal?

24 A. No.

25 Q. Are you trying to hide your activities from



1 other people?

2 A. No.

3 Q. Did you arrive with somebody else to that  
4 meeting?

5 A. No.

6 Q. Did you or any of the other people at that  
7 meeting have guns that they put on a table before the  
8 meeting?

9 A. Yes, sir. I have a concealed carry. I carry  
10 almost every day.

11 Q. So you showed up with a gun and you put it on  
12 the table in the room. Is that what you did?

13 A. I didn't, but the other two people we were  
14 with did.

15 Q. Everyone in that room was armed?

16 A. There were only three people, but yes.

17 THE COURT: You're a little bit too close  
18 to the microphone.

19 THE WITNESS: There were only three  
20 people.

21 BY MR. PAMPHILIS:

22 Q. Is it true you arrived at that room sometime  
23 around midnight?

24 A. Probably 11-ish.

25 Q. You spent roughly four hours looking at this

1 data?

2 A. Yes, sir.

3 Q. Were all three of you looking at the data?

4 A. It was mostly me and Hasson.

5 Q. And did you see how Mr. Hasson accessed the  
6 data?

7 A. No, sir.

8 Q. He already had it downloaded somewhere else,  
9 and then he showed it to you. Is that how it worked?

10 A. I don't know the answer to that, but I  
11 believe that is true, yes.

12 Q. Because it was so large, you believe that he  
13 connected to the internet and was able to pull the  
14 data from another computer?

15 A. I don't know.

16 Q. Do you know if Mr. Hasson still has that  
17 data?

18 A. I do not know.

19 Q. Do you know anybody other than the FBI that  
20 has that data?

21 A. No, sir.

22 Q. You've never provided that data to any other  
23 law enforcement, have you?

24 A. No, sir.

25 Q. And you're not the one who provided it to the

1 FBI either, are you?

2 A. There is some question about whether there  
3 was a file that was passed through, but I don't  
4 remember it.

5 Q. What's the question?

6 A. The question is, do I remember it. I don't  
7 remember.

8 Q. No, what's the question about a file that  
9 passed through? You mean passed through you?

10 A. That Hasson may have sent and then they send  
11 it on. But it would have been too big to send via  
12 e-mail. So we don't think so.

13 Q. You're not sure? You haven't investigated it  
14 to figure that out?

15 A. Yeah. We've talked to some of my people, and  
16 the files were just too big. They wouldn't have gone  
17 across e-mail.

18 Q. Have you gone back to look at your e-mails  
19 from that time frame to see if you had any e-mails  
20 from Mike Hasson --

21 A. Yes.

22 Q. Did you find any?

23 A. No.

24 Q. Did you go back and look at your messenger  
25 app to see if you had messages from Mike Hasson?

1 A. Yes.

2 Q. Do you find any?

3 A. No.

4 Q. Did you look for any texts that you might  
5 have had with Mr. Hasson?

6 A. Yes.

7 Q. Have you found any?

8 A. No.

9 Q. Do you know if Ms. Engelbrecht has ever  
10 communicated with Mr. Hasson?

11 A. I don't know.

12 Q. Did you used to be a -- you used to be a  
13 board member of True The Vote; right?

14 A. Yes.

15 Q. In 2014 to 2017?

16 A. Yes.

17 Q. Did you immediately then change to becoming a  
18 contractor to True The Vote?

19 A. No, sir.

20 Q. Was there some lapse in between the time you  
21 were a board member and a contractor?

22 A. Two, three years.

23 Q. What were you doing in between then?

24 A. Working on my software company.

25 Q. What company is that?

1 A. CoverMe.

2 Q. When did you become a contractor to True The  
3 Vote?

4 A. Summer of 2020.

5 Q. Summer of 2020?

6 A. Summer of 2020.

7 Q. Did you have a contract with True The Vote?

8 A. I think we do have a written contract, yes.

9 THE COURT: Who is "we"?

10 THE WITNESS: Me and True The Vote.

11 THE COURT: Okay.

12 THE WITNESS: I'm sorry.

13 BY MR. PAMPHILIS:

14 Q. Is there a set amount of money that you get  
15 paid by True The Vote as a contractor for them?

16 A. No. It's a project claim basis.

17 Q. You agree to do certain projects in return  
18 for payment?

19 A. Yes, sir.

20 Q. How much have you been paid by True The Vote  
21 since you became a contractor?

22 A. I have no idea.

23 Q. Do you know the order of magnitude; whether  
24 it's over a million dollars?

25 A. I don't.

1 Q. Do you have any other source of income other  
2 than that?

3 A. My company.

4 Q. So with respect to item number 6 in the  
5 TRO -- your lawyer went over that -- I understand that  
6 you say you're willing to confidentially disclose to  
7 Konnech how, when and by whom Konnech's protected  
8 computers were accessed.

9 That hasn't been done yet, has it?

10 A. I don't know how.

11 Q. So that wasn't my question. That hasn't been  
12 done yet, has it?

13 A. Well, when has and by whom has. It's the  
14 how.

15 Q. By you specifically; right?

16 A. What do you mean?

17 Q. Okay --

18 MR. WYNNE: Your Honor, I'm going to  
19 object to the extent that's invading attorney-client  
20 privilege communication.

21 THE COURT: Overruled.

22 BY MR. PAMPHILIS:

23 Q. Sir, we haven't heard from anybody other than  
24 you about any of these items, have we?

25 A. Right.

1 Q. We haven't heard from someone who is actually  
2 an employee or agent of True The Vote, have we?

3 A. I think as a contractor, I'm an agent. But  
4 I'm not a lawyer. So I don't know.

5 Q. You're not an employee of True The Vote, are  
6 you?

7 A. No.

8 Q. Not an officer or director, are you?

9 A. No, sir.

10 Q. Catherine Engelbrecht is the president of  
11 that company, isn't she?

12 A. Yes.

13 Q. We haven't heard from her, have we?

14 A. She wasn't there.

15 Q. That wasn't my question.

16 We haven't heard from her on this?

17 A. I don't know.

18 Q. You've been in the courtroom all day. Have  
19 you heard her get on the stand and testify?

20 Have you?

21 A. No.

22 Q. For section 7: "Identify all persons and  
23 entities in your knowledge who had possession of any  
24 data from a Konnech protected computer."

25 Who do you identify?

1 A. Mike Hasson and the FBI.

2 Q. And even though you saw it, you don't think  
3 that you ever had possession of it?

4 A. No, sir.

5 Q. Even though you saw it for four-and-a-half  
6 hours?

7 A. Yes, sir.

8 Q. And are you in a position to say whether the  
9 L.A. County D.A. ever had it?

10 A. This data? No, sir.

11 Q. Did the L.A. D.A. show you what data they do  
12 have?

13 A. No, sir.

14 Q. Did you ever see an evidence receipt from the  
15 FBI for this data that Mike Hasson allegedly provided  
16 to them?

17 A. No.

18 Q. Did you ever ask for one?

19 A. No.

20 Q. But you're working with them as a  
21 confidential informant; right?

22 A. Yes.

23 Q. These same people that you say got the data;  
24 right?

25 A. Yes.



1 Q. Did they ever tell you that they received the  
2 data?

3 A. Yes.

4 Q. Did they tell you how much data it was?

5 A. No.

6 Q. Did they tell you whether they could figure  
7 out whether it came from a Konnech computer or not?

8 A. They don't -- they're, like, we don't believe  
9 that it came from a Konnech computer. We believe it  
10 came from a server in China.

11 Q. Sir, you have no authority whatsoever to  
12 access the Konnech computer, do you?

13 A. No, sir.

14 Q. No one from Konnech has ever given you that  
15 permission, have they?

16 A. No, sir.

17 Q. Did you see -- well, step back. Withdraw  
18 that.

19 Did Mr. Hasson tell you how he accessed  
20 that data?

21 A. No, sir.

22 Q. Did anybody ever tell you that they used the  
23 default password to access this data?

24 A. There has been -- there is a lot --

25 THE COURT: I'm sorry. I'm sorry.

1 Restate the question.

2 BY MR. PAMPHILIS:

3 Q. Sure. Has anyone told you that they used a  
4 default password to access this Konnech data that you  
5 were shown in that hotel room in January of 2021?

6 A. I don't have direct -- I don't have a  
7 recollection.

8 Q. You don't know?

9 A. I just don't recall.

10 Q. We've seen -- well, let me step back.

11 Have you seen the letters that your  
12 lawyer, Brock Akers, was sending to us about your  
13 compliance with the TRO?

14 A. I don't know that I've seen any of them  
15 actually.

16 Q. Did you see any reference to Konnech's  
17 computers being accessed using a default password?

18 A. I don't recall. No, I don't think I've seen  
19 it.

20 Q. You're certainly not in a position to swear  
21 that that happened, are you?

22 A. No.

23 Q. Have you attempted to access any Konnech  
24 protected computer since September 12 of 2022?

25 A. No, sir.

1 Q. Do you know anyone who has attempted to do  
2 so?

3 A. Konnech computer? Is that what you're  
4 asking?

5 Q. Yes. I will ask the question more fully.  
6 Do you know of anybody who has attempted  
7 to access a Konnech computer since September 12 of  
8 2022?

9 A. I don't know.

10 Q. When did you first communicate with anybody  
11 employed by L.A. County about Konnech?

12 A. They contacted us in July or so of this year.

13 Q. 2022? And they were who -- who was it that  
14 contacted you?

15 A. Eric Neff. N-E-F-F.

16 THE COURT: What was that last name again?

17 THE WITNESS: Neff. N-E-F-F.

18 THE COURT: Okay.

19 BY MR. PAMPHILIS:

20 Q. You had an event called The Pit in August of  
21 2022 where Konnech was the subject of much discussion;  
22 right?

23 A. Yes.

24 Q. Did anyone from L.A. County attend that  
25 event?

1 A. Yes.

2 Q. Who?

3 A. I forget his name. One of the investigators.

4 I'm sorry, I forget his name.

5 Q. Do you remember his first or last name?

6 A. Andrew is what I remember.

7 Q. Is he someone you have spoken with since?

8 A. Yes.

9 Q. How many times?

10 A. I don't know. I don't recall.

11 Q. After you had the hotel meeting in January of  
12 2021, you said you drove down to Houston to meet with  
13 Ms. Engelbrecht; correct?

14 A. Yes.

15 Q. Did you drive down the next morning?

16 A. I drove down, yes.

17 Q. And how long did you meet with her?

18 A. I don't recall. Several hours I would guess.

19 Q. Was there anybody else present?

20 A. No.

21 Q. Did you talk about what you saw in that hotel  
22 room?

23 A. Yes.

24 Q. Do you know whether Ms. Engelbrecht took any  
25 notes of that conversation?

1 A. No.

2 Q. Did you?

3 A. No.

4 Q. Did you tell her any of the names or  
5 information that you saw in that hotel room?

6 A. No.

7 Q. Did you tell her the name of the people that  
8 were in the room?

9 A. No.

10 Q. You didn't tell her who was there?

11 A. No.

12 Q. When you were in that hotel room, did  
13 Mr. Hasson print anything out from -- from what you  
14 were seeing there?

15 A. No.

16 Q. Did he copy anything while in your presence  
17 that night?

18 A. No, sir?

19 THE WITNESS: Judge, may I have a bottle  
20 of water or something?

21 THE COURT: Absolutely.

22 MR. PAMPHILIS: Your Honor, I would like  
23 to approach the witness stand to show him a photo of  
24 who we believe Mike Hasson is and ask him if he  
25 recognizes the witness.

1 I'll mark this as Plaintiff's Exhibit 1.

2 BY MR. PAMPHILIS:

3 Q. Sir, I have handed you a photo marked as  
4 Plaintiff's Exhibit 1 that has a photo on the front  
5 and the back of an individual named Mike Hasson, both  
6 with and without a beard, from approximately 2014,  
7 when you say you first met him. Do you recognize him?

8 A. Not -- not really. I don't know. I couldn't  
9 affirmatively say that it's him.

10 Q. Can you say whether it's not him?

11 A. No.

12 MR. PAMPHILIS: I'd ask to admit Exhibit 1  
13 into evidence.

14 MR. WYNNE: Your Honor, I'd object on the  
15 ground that this -- to the extent this is not the  
16 person we're talking about, it's in the public record.  
17 Whoever this is should not --

18 THE COURT: What do you mean, it's not a  
19 public record? His picture is not a public record?

20 MR. WYNNE: If this item of this  
21 individual is introduced into evidence in this  
22 hearing, and it will become a public record. I'm  
23 trying to protect whoever this innocent person is, if,  
24 in fact, it's not the correct Mike Hasson. We don't  
25 want his name on every media outlet tonight.

1 THE COURT: We don't know that it's not.

2 MR. WYNNE: Don't know if it is or if it's  
3 not.

4 THE COURT: Well, the witness is saying he  
5 doesn't know if it is or not.

6 MR. WYNNE: Right. So it's a possibility,  
7 to the extent it's not, then admitting it into the  
8 public record harms this person, if it is, in fact,  
9 not --

10 THE COURT: There are ways of handling  
11 that.

12 MR. WYNNE: I expect to. I just wanted to  
13 bring it to the Court's attention. I'd ask --

14 THE COURT: Excuse me. There are ways to  
15 handle what your concern is, other than objecting to  
16 the document, though, aren't there?

17 MR. WYNNE: I'm going to ask it be  
18 admitted under seal.

19 THE COURT: All right. Let's proceed.  
20 I'll deal with that.

21 BY MR. PAMPHILIS:

22 Q. Was Mike Hasson at The Pit in August of 2022?

23 A. No, sir.

24 Q. Are you familiar with the Becket Law Firm?

25 A. No, sir.

1 Q. Do you know a Kevin "Seamus" Hasson?

2 A. No, sir.

3 Q. Do you know a Mary Rice Hasson?

4 A. No.

5 Q. Do you know Mike Hasson's phone number?

6 A. No, sir.

7 Q. Do you know his full name?

8 A. No. Just Mike Hasson.

9 Q. Do you know his e-mail address?

10 A. No, sir.

11 Q. Do you know where he works?

12 A. I don't think he has a regular job. I think  
13 he's an independent contractor.

14 Q. Do you know who he's an independent  
15 contractor to?

16 A. Himself.

17 Q. Who does he contract with?

18 A. I don't know.

19 Q. Do you know where he lives?

20 A. I believe he lives in Texas.

21 Q. Do you know where in Texas?

22 A. No, sir.

23 Q. Do you know if he currently lives in Texas?

24 A. No, sir, I don't.

25 Q. Do you know whether he has any special



1 training or experience with computers?

2 A. I would assume he does, but I don't know that  
3 definitively.

4 Q. You don't know if he's the one who actually  
5 got that this data he was showing you, do you?

6 A. No, sir.

7 MR. PAMPHILIS: Your Honor, that's all the  
8 questions I have for right now.

9 THE COURT: I have a couple of questions  
10 that I need to ask before we turn it back over to  
11 counsel.

12 Did you testify that the FBI had this data  
13 at the time that you were in the Dallas hotel?  
14 Already had it?

15 THE WITNESS: No, sir.

16 THE COURT: They had been investigating  
17 and they had data. Okay. They did not have the data?

18 THE WITNESS: Not as far as I know.

19 THE COURT: I'm sorry?

20 THE WITNESS: Not as far as I know.

21 THE COURT: So are you saying that the  
22 data -- you don't know who turned it over; I guess,  
23 Hasson, that he turned it over to the FBI was data  
24 that they already had or not?

25 THE WITNESS: I wouldn't know the answer

1 to that.

2 THE COURT: You don't know?

3 THE WITNESS: No, sir.

4 THE COURT: There were two confidential  
5 informants in the room; you and another person that  
6 you have not identified; right?

7 THE WITNESS: Three.

8 THE COURT: There were three. Who were  
9 those -- other than yourself? Or three with yourself?

10 THE WITNESS: With myself.

11 THE COURT: So Mike Hasson is a  
12 confidential informant. Didn't you testify to that?

13 THE WITNESS: I think that was noted  
14 previously.

15 THE COURT: I'm not asking you what you  
16 read in the newspaper or heard on the radio or saw on  
17 TV.

18 I am asking you -- this is one of your  
19 guys that you described in your paperwork. I want to  
20 know, is he a confidential informant with the FBI?

21 THE WITNESS: As far as I know.

22 THE COURT: I'm sorry?

23 THE WITNESS: As far as I know.

24 THE COURT: All right. So there were  
25 three people in the room is what you're saying?

1 THE WITNESS: Yes, sir.

2 THE COURT: All three are FBI informants?

3 THE WITNESS: Yes, sir.

4 THE COURT: And the FBI, as far as you  
5 know, at that time, had not been provided this data  
6 that you saw and believed or said later on in some  
7 podcast was serious data?

8 THE WITNESS: Yes, sir.

9 THE COURT: So is the FBI investigating  
10 this or not?

11 THE WITNESS: Yes, sir. They did for the  
12 period of time that we worked with them.

13 THE COURT: Was any of the FBI agents,  
14 field people, intelligence or whatever, was one of  
15 them in the room?

16 THE WITNESS: No, sir. That's not how we  
17 would approach them.

18 THE COURT: No. I didn't ask you about  
19 how you approached them.

20 THE WITNESS: No, they weren't in the  
21 room.

22 THE COURT: So the other informants,  
23 neither Hasson or the other informant in the room,  
24 none of those were intelligence officers working for  
25 the FBI?

1 THE WITNESS: No, sir.

2 THE COURT: All of you-all are contract  
3 people working on piecework, I guess, for the FBI?

4 THE WITNESS: No, sir. We don't have  
5 contracts.

6 THE COURT: But you are engaged by the  
7 FBI?

8 THE WITNESS: Not for money.

9 THE COURT: You find things and you turn  
10 it over to the FBI?

11 THE WITNESS: Yes, sir. They call it  
12 surfacing the data.

13 THE COURT: When you say you're a  
14 confidential informant, that is a formal relationship  
15 with the FBI. Do you understand that?

16 THE WITNESS: Yes, sir.

17 THE COURT: And that means you sign  
18 documents with the FBI.

19 THE WITNESS: No.

20 THE COURT: So you have no formal  
21 relationship with the FBI?

22 THE WITNESS: We actually --

23 THE COURT: No, I'm talking about you.

24 Do you have a formal document that you've  
25 signed where you are engaged as an FBI informant?

1 THE WITNESS: We were --

2 THE COURT: I'm asking you about yourself.

3 THE WITNESS: Yes. I was engaged as an  
4 FBI informant at the time.

5 THE COURT: And that means that the FBI  
6 would have a document, that you would have signed the  
7 document that would permit you to act in that  
8 capacity --

9 THE WITNESS: No, sir. That's not  
10 correct.

11 THE COURT: That's the way it generally  
12 is, isn't it?

13 THE WITNESS: I don't know.

14 THE COURT: But you never signed any  
15 documents?

16 THE WITNESS: No, but when we --

17 THE COURT: I'm sorry. You never signed  
18 any documents?

19 THE WITNESS: No, not for the CI, no.

20 THE COURT: What did you sign a document  
21 for?

22 THE WITNESS: When the reports are made,  
23 occasionally they would ask you to sign something.

24 THE COURT: So you have made reports  
25 involving this particular disclosure that you received

1 in Dallas?

2 THE WITNESS: Yes, sir.

3 THE COURT: And they're written reports by  
4 you to the FBI regarding this particular event?

5 THE WITNESS: Yes, sir.

6 THE COURT: And you did that when?

7 THE WITNESS: I think it was about a month  
8 or so after the meeting in Dallas.

9 THE COURT: Did anyone else sign off on  
10 your report?

11 THE WITNESS: The FBI completed the  
12 report. It's not my job.

13 THE COURT: It is your job to sign off on  
14 the reports?

15 THE WITNESS: No, sir.

16 THE COURT: Okay. So you informed the  
17 FBI, you were in their offices and you talked to them  
18 about it, I gather?

19 THE WITNESS: No, they met us in Dallas.

20 THE COURT: And you talked to them about  
21 it?

22 THE WITNESS: Yes, sir.

23 THE COURT: How did you know they made a  
24 report?

25 THE WITNESS: Because they filled out the

1 report.

2 THE COURT: As you were sitting there?

3 THE WITNESS: Yes.

4 THE COURT: And they signed -- you saw  
5 them fill out the report, sign a document, or do  
6 whatever is necessary, and that is what you are  
7 calling a report to the FBI?

8 THE WITNESS: Yes, sir.

9 THE COURT: All right.

10 MR. KIYONAGA: Excuse, me Your Honor. I  
11 need to use the bathroom.

12 THE COURT: You can be excused.

13 MR. KIYONAGA: Could we just hold --

14 THE COUR: No. I'm not holding anything.  
15 I'm continuing.

16 MR. KIYONAGA: Tie the knot, sir --

17 THE COURT: Well, that's what my mother  
18 told me to do when I got an emergency.

19 The FBI has a report of this information;  
20 is that what you're telling me?

21 THE WITNESS: Yes.

22 THE COURT: I have ways of getting those  
23 things.

24 THE WITNESS: Yes, sir.

25 THE COURT: So I want to know what you're

1 telling me. I want to know whether or not it's true.  
2 That's the whole point.

3 THE WITNESS: Yes, sir, it is.

4 THE COURT: And I want to know who these  
5 people are. If you don't tell me, then you're going  
6 to be held in contempt.

7 THE WITNESS: Who? Which people, sir?

8 THE COURT: The ones that you will not  
9 disclose.

10 THE WITNESS: I think there's just the one  
11 person.

12 THE COURT: Well, that's one in the Dallas  
13 office in the hotel; right?

14 THE WITNESS: Yes, sir.

15 THE COURT: And you said you met with or  
16 talked with others in the FBI. You talked general, in  
17 a general way, so that you can simply play it loose.  
18 I'm not interested in a general conversation with you.  
19 I'm interested in evidence.

20 Who in the FBI received this report, or  
21 took this report and statement from you?

22 THE WITNESS: The two that were noted in  
23 the earlier, in the --

24 THE COURT: I don't know who they are. I  
25 think you got to tell me.



1 THE WITNESS: Keven and Huy.

2 THE COURT: Keven who?

3 THE WITNESS: Can I -- can I get my notes?

4 THE COURT: Sure. Counsel, you'll give  
5 him his notes, so he can refer to his notes as to who  
6 they were or who they are.

7 He's going to bring them to you.

8 MR. WYNNE: Handing the affidavit to which  
9 I referred earlier. I don't know if that's sufficient  
10 or if he needs --

11 THE COURT: I'm not asking you to make any  
12 record, counsel.

13 MR. WYNNE: Thank you.

14 THE COURT: What you're doing is improper.  
15 You know that, don't you?

16 MR. WYNNE: I'm just trying --

17 THE COURT: I'm sorry. What you're doing  
18 is improper. If you have not, I want you to get the  
19 local rules to this district, I want you to look at  
20 all the attachments and appendixes, and you will  
21 understand what the conduct of lawyers ought to be in  
22 Federal Court.

23 We're in Federal Court, not state court,  
24 not county court, not the JP's office. You're in  
25 Federal Court in the Southern District of Texas, and

1 they are available to all; yourself, as well as other  
2 lawyers in this matter.

3 So what you're doing is improper.

4 MR. WYNNE: Understood.

5 THE COURT: Sir, my question is back to  
6 you now.

7 THE WITNESS: Yes, sir.

8 THE COURT: I'm waiting.

9 THE WITNESS: I'm sorry. Huy Bobby Nguyen  
10 and Keven McKenna.

11 THE COURT: Spell that, please.

12 THE WITNESS: H-U-Y. He goes by "Bobby."

13 THE COURT: H-U-Y.

14 THE WITNESS: Middle --

15 THE COURT: Excuse me. H-U-Y is one of  
16 the names?

17 THE WITNESS: Yes, sir.

18 THE COURT: What's the next part of his  
19 name?

20 THE WITNESS: N-G-U-Y-E-N.

21 THE COURT: Huy Nguyen?

22 THE WITNESS: It's pronounced "we."

23 THE COURT: All right. That is his full  
24 name?

25 THE WITNESS: Yes, sir.

1 THE COURT: That's a person that you met  
2 with that took the report?

3 THE WITNESS: Yes, sir.

4 THE COURT: Who is the other person?

5 THE WITNESS: Keven, K-E-V-E-N, McKenna,  
6 M-C-K-E-N-N-A.

7 THE COURT: As I understand what you're  
8 telling the Court, these are two FBI agents. These  
9 are people who work for the federal government?

10 THE WITNESS: Yes, sir.

11 THE COURT: All right. And you met with  
12 them and they took a report from you?

13 THE WITNESS: Yes, sir.

14 THE COURT: And this was when?

15 THE WITNESS: In -- sometime during  
16 February of 2021.

17 THE COURT: 2021?

18 THE WITNESS: Yes, sir.

19 THE COURT: All right. All right. And  
20 I'm still waiting on the name of the other person; the  
21 other contact person, the "informant" that was in the  
22 room with you in Dallas.

23 Do you have that in your notes?

24 THE WITNESS: I know the name. But if --  
25 I can't divulge the name of another confidential

1 informant.

2 THE COURT: How do you know he's a  
3 confidential informant?

4 THE WITNESS: Because of the meetings that  
5 I've been in with him.

6 THE COURT: He told you?

7 THE WITNESS: The meetings he was --

8 THE COURT: No, no. He told you he was an  
9 FBI informant?

10 THE WITNESS: No. The bureau told me.

11 THE COURT: Who at the bureau told you?

12 THE WITNESS: Bobby. Huy.

13 THE COURT: You didn't learn that until  
14 after you were in the room with him? You didn't know  
15 at the time he was an FBI informant, did you?

16 THE WITNESS: Oh, yes.

17 THE COURT: Why would Huy need to tell you  
18 that in February of 2021?

19 THE WITNESS: Because we had met  
20 previously to that.

21 THE COURT: Who is "we"?

22 THE WITNESS: Me and Huy Nguyen and the  
23 informant.

24 THE COURT: The three of you had met  
25 previously?

1 THE WITNESS: Yes, sir.

2 THE COURT: And this person is so -- his  
3 identity is so important that he not be revealed, but  
4 you'll tell me who the FBI agents are that you met  
5 with?

6 THE WITNESS: Yes, sir.

7 THE COURT: Your counsel said something to  
8 the effect that there are names that you would not  
9 want to disclose because it would be dangerous. And I  
10 don't know if that is the right word he used, but was  
11 talking about danger to you?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. Do you recall making a  
14 statement on the podcast to the effect that you were  
15 going to create a website and would load the -- this  
16 data that you saw onto the website for the people who  
17 would want to visit that site?

18 THE WITNESS: No, sir. That's not true.

19 THE COURT: I'm asking you. This is what  
20 you said -- or what your podcast said.

21 THE WITNESS: My podcast was referring to  
22 something we called the ripcord. The ripcord was  
23 related to an app called Open.INK, I-N-K. We were  
24 going to put the -- we do all sorts of other research.  
25 We do a lot of open-source research, meaning Googling

1 around and trying to find things. But we also do  
2 geospatial research.

3 THE COURT: Were you planning to put the  
4 names of the individuals who worked for the Harris  
5 County polling, Bexar County polling, all of that data  
6 that you said that you saw, were you planning to post  
7 that data on a public venue?

8 THE WITNESS: No, sir.

9 THE COURT: Does this sound familiar to  
10 you: Gregg and Catherine, GC -- that's you, Gregg and  
11 Catherine -- stumbled onto voting software used to  
12 corroborate elections. Was left with default  
13 password.

14 What is a default password?

15 THE WITNESS: A password that the software  
16 would be shipped with.

17 THE COURT: Is what?

18 THE WITNESS: When they ship it to be  
19 installed.

20 THE COURT: That means that someone has  
21 intercepted a password?

22 THE WITNESS: No, sir. It ships with the  
23 password. I think that is what it's referring to.

24 THE COURT: No. I'm asking you what  
25 you're referring to.

1                   It says here: You were left with -- you  
2 used to coordinate the elections, was left with  
3 default password of database.

4                   What are you talking about?

5                   THE WITNESS: Like I said, a password that  
6 would be shipped with the software.

7                   THE COURT: And so the software you're  
8 referring to is what?

9                   THE WITNESS: I don't recall. I mean,  
10 do --

11                   THE COURT: We're talking about this  
12 software. We're talking about this data.

13                   THE WITNESS: Well, I don't know that we  
14 are or aren't. We could be talking about the  
15 Open.INK.

16                   THE COURT: But you're the one talking  
17 about it.

18                   THE WITNESS: Right. But I don't know if  
19 that's what I was referring to.

20                   THE COURT: Well, you said you stumbled  
21 onto voting software used to coordinate elections.

22                   That is what Konnech does, isn't it?

23                   THE WITNESS: I think it's one of the  
24 things they do.

25                   THE COURT: Well, do they do it or not?

1 THE WITNESS: I don't know.

2 THE COURT: Why would you then say that  
3 you stumbled onto it if you don't know what they're  
4 doing?

5 THE WITNESS: I'm sorry, I don't  
6 understand the question.

7 THE COURT: All right. Let me finish  
8 reading this.

9 GC researched team. That sounds like that  
10 is several people; right?

11 THE WITNESS: Uh-huh.

12 THE COURT: Discovered sensitive  
13 information on election workers, et cetera, on server,  
14 such as bank accounts, et cetera, et cetera?

15 THE WITNESS: Uh-huh.

16 THE COURT: You did that, didn't you?

17 THE WITNESS: I didn't access anything.  
18 No, sir.

19 THE COURT: Well, you said you discovered  
20 it, though?

21 THE WITNESS: Right.

22 THE COURT: What does that mean,  
23 "discover"?

24 THE WITNESS: If it's referring --

25 THE COURT: No. What does that mean, when



1 you say you discovered this sensitive information?

2 THE WITNESS: It was shown to me.

3 THE COURT: And you saw that there were  
4 bank accounts?

5 THE WITNESS: There were bank accounts.

6 THE COURT: You saw the names of the  
7 individuals?

8 THE WITNESS: Yes, sir.

9 THE COURT: You saw their Social Security  
10 numbers?

11 THE WITNESS: Yes, sir.

12 THE COURT: And you then said: We're  
13 going to post this on a public domain?

14 THE WITNESS: No, sir. There is two  
15 different datasets.

16 THE COURT: Well, I'm not -- I don't care  
17 about the datasets. You know what I am describing.

18 THE WITNESS: It's unrelated. One -- what  
19 we were going to publish publicly was the stuff from a  
20 movie that we had been involved with, *2000 Mules*, a  
21 bunch of geolocation data; data that comes from your  
22 cellphone.

23 THE COURT: You know that if you were to  
24 post the names of persons who worked at the polling  
25 places --

1 THE WITNESS: I never --

2 THE COURT: I'm sorry. I have not  
3 finished.

4 You know that if you were to post the  
5 names and addresses and Social Security numbers of  
6 individuals who worked for Harris County, worked for  
7 Bexar County, worked for all of the counties around  
8 the United States that Konnech is working with, that  
9 they would certainly come under scrutiny by persons  
10 who might want to interfere with them.

11 Don't you know that?

12 THE WITNESS: Yes, sir.

13 THE COURT: And that is happening right  
14 now, isn't it?

15 THE WITNESS: It's never been published.

16 THE COURT: I didn't say it was being done  
17 in this instance. But that kind of conduct is ongoing  
18 right now.

19 THE WITNESS: Yes. We are under extreme  
20 pressure on that side, too.

21 THE COURT: I don't know who "we" is. You  
22 keep saying "we."

23 THE WITNESS: Everyone that I work with  
24 has been threatened. We've been called. We've had  
25 all sort of things happen. And I absolutely

1 understand what is like to have yourself doxed.

2 THE COURT: What does that mean?

3 THE WITNESS: It means when somebody  
4 publishes your personal information online, so that  
5 others can come attack you.

6 THE COURT: So your information has been  
7 published -- personal information, confidential data  
8 has been published on a public website or public  
9 dataset?

10 THE WITNESS: Yes.

11 THE COURT: So you're receiving  
12 threatening calls and all kinds of -- all kinds of  
13 threats of that sort. Is that what you're telling the  
14 Court?

15 THE WITNESS: Yes, sir.

16 THE COURT: You so you know that if you  
17 were to release this data that Konnech is saying do  
18 not release, or any of your buddies, or team were to  
19 do that, any of your guys were to do that, that would  
20 subject these people to a serious harassment that  
21 might result in some kind of physical altercation as  
22 you've seen in the media?

23 THE WITNESS: Yes, sir.

24 THE COURT: Okay. There is something more  
25 at stake here than what might be happening to Konnech,

1 when personal data of that sort is released?

2 THE WITNESS: Yes, sir.

3 THE COURT: So this stuff about this is an  
4 issue of threats to America integrity and all of that  
5 stuff, these are individual people like you --

6 THE WITNESS: Yes, sir.

7 THE COURT: -- who don't want their Social  
8 Security number or their names and their personal data  
9 stolen and used to go out and create debt that is not  
10 your debt?

11 THE WITNESS: Right. That is why we never  
12 kept a copy.

13 THE COURT: But you just said also that  
14 the D.A. in California has this data?

15 THE WITNESS: Yes. Related to their case.

16 THE COURT: All right. And when did they  
17 get the data?

18 THE WITNESS: I understand they received  
19 it post his arrest.

20 THE COURT: All right. So they took his  
21 computers or something; right? They seized his  
22 equipment?

23 THE WITNESS: Yes.

24 THE COURT: And they've accessed his  
25 computers is what you're suggesting?

1 THE WITNESS: I understand that is true.

2 THE COURT: How would you disclose this  
3 information to me or to the plaintiff's counsel, if  
4 you were to do it confidentially?

5 THE WITNESS: Which information, sir?

6 THE COURT: The names of all the persons  
7 involved that you have not disclosed to this point.

8 THE WITNESS: There is only one.

9 THE COURT: All right. Well, then that is  
10 what I'm talking about. How would you do that?

11 THE WITNESS: I really think the FBI needs  
12 to do it.

13 THE COURT: No. You're not the FBI. I'm  
14 asking you.

15 THE WITNESS: I don't have the authority  
16 to do it.

17 THE COURT: You're not authorized to,  
18 quote, tell this Court who it is that you are working  
19 with that saw this data that you relate to Konnech?

20 THE WITNESS: No, sir, I'm not.

21 THE COURT: And you're not authorized  
22 because?

23 THE WITNESS: Because he and I were  
24 confidential informants at the same time during that  
25 event.

1 THE COURT: Nobody would have known that  
2 you were a confidential informant had you not told us.

3 THE WITNESS: I'm not a confidential  
4 informant anymore. So I'm more free to do that.

5 THE COURT: When did you stop being a  
6 confidential informant?

7 THE WITNESS: A few months ago.

8 THE COURT: I'm sorry?

9 THE WITNESS: A few months ago.

10 THE COURT: These other people -- what  
11 about Hasson, is he still a confidential informant?

12 THE WITNESS: As far as I know, yes, sir.

13 THE COURT: Is the other gentleman still a  
14 confidential informant?

15 THE WITNESS: Yes, sir.

16 THE COURT: How do you know?

17 THE WITNESS: Because I've been in  
18 meetings with him and the FBI.

19 THE COURT: So you're meeting with  
20 confidential informants, exchanging information.  
21 They're confidential but you're not?

22 THE WITNESS: Yes, sir. I haven't  
23 exchanged anything with them since I stop being a  
24 confidential informant.

25 THE COURT: I'm trying to figure out

1 whether or not I should be talking to the FBI or not.

2 THE WITNESS: Yes, sir.

3 THE COURT: And I'll figure that out. But  
4 I want to know how I can get this name from you  
5 confidentially?

6 THE WITNESS: I can't give you the name.

7 THE COURT: So you can't?

8 THE WITNESS: I can't.

9 THE COURT: It's not that you can't; it's  
10 that you won't?

11 THE WITNESS: I can't.

12 THE COURT: What would prevent you from  
13 doing that?

14 THE WITNESS: Well, first of all, it would  
15 put his life in danger. Beyond that, because I know  
16 that he's a CI, you can't just unmask a person that is  
17 a CI. This person -- this particular person, Judge,  
18 is -- he would be in such extraordinary danger that --

19 THE COURT: From?

20 THE WITNESS: From --

21 THE COURT: China?

22 THE WITNESS: From the cartels. He works  
23 on the border. He does all kinds of work.

24 THE COURT: The cartels on the border, as  
25 I understand, are drug dealers.

1 THE WITNESS: Right.

2 THE COURT: So a confidential informant  
3 involved in this process has nothing to do with drugs.

4 THE WITNESS: It's the same thing. It's  
5 the same CI. You don't distinguish --

6 THE COURT: I been doing this over 34  
7 years. I know every confidential informant with the  
8 FBI is not in drug trafficking.

9 THE WITNESS: I didn't say he was  
10 trafficking, sir. I said he's helping assist against  
11 human trafficking and against drug trafficking,  
12 against all of the things that are going on in the  
13 border. But that's not all he does.

14 THE COURT: Nobody in this room would know  
15 that except you are disclosing it now, aren't you?

16 THE WITNESS: I didn't disclose his name.

17 THE COURT: You're just telling us what  
18 he's doing?

19 THE WITNESS: Sure.

20 THE COURT: And nobody in this room had to  
21 know that, did they?

22 THE WITNESS: It's not disclosing anything  
23 private. There is no private information.

24 THE COURT: Well, I said no one in this  
25 room would know the role that he plays as a



1 confidential informant --

2 THE WITNESS: Sir --

3 THE COURT: -- except you disclosed it  
4 right now, didn't you?

5 THE WITNESS: This person is --

6 THE COURT: Did you just disclose --

7 THE WITNESS: I didn't disclose his name  
8 nor any identifying information.

9 THE COURT: Did you just disclose what he  
10 does as a confidential informant?

11 THE WITNESS: One of the things, yes.

12 THE COURT: Okay.

13 That's all I have.

14 Go ahead, counsel.

15 MR. WYNNE: No further questions.

16 THE COURT: You may step down, sir.

17 THE WITNESS: Your Honor, do I take these  
18 or give these back? Things that have been --

19 THE COURT: I don't know.

20 MR. PAMPHILIS: There is an exhibit that  
21 we ask to be admitted, the photo of Mike Hasson.  
22 That's the only one that I put up.

23 THE COURT: Hand them to the lawyers, not  
24 to me.

25 MR. PAMPHILIS: May I have Plaintiff's

1 Exhibit 1 from Mr. Hasson's testimony admitted?

2 THE COURT: It's admitted.

3 THE WITNESS: Can I go to the restroom?

4 THE COURT: You may step down.

5 Who is your next witness?

6 MR. WYNNE: May I have a moment to confer  
7 with co-counsel, as well as the next potential  
8 witness?

9 THE COURT: Yes. You're going to do it  
10 here in the courtroom.

11 MR. WYNNE: Yes, Your Honor.

12 Defendants call Catherine Engelbrecht.

13 THE COURT: Please come forward. I'll  
14 swear you in.

15 MR. PAMPHILIS: Is it okay if  
16 Mr. Richardson handles this witness?

17 THE COURT: That's fine.

18 CATHERINE ENGELBRECHT

19 The witness, after being sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WYNNE:

22 Q. Ms. Engelbrecht, I'm going to ask you  
23 similarly, very briefly, to introduce yourself to the  
24 Court.

25 A. My name is Catherine Engelbrecht. I started

1 True The Vote in 2010. I graduated from the  
2 University of Houston. I am 52.

3 MR. WYNNE: May I approach the witness?

4 THE COURT: You may.

5 BY MR. WYNNE:

6 Q. I've handed you a document that has been  
7 filed in this case, and I direct you to the bottom  
8 Roman -- little Roman numeral 5.

9 Are you familiar with that request that  
10 was made in connection with this case?

11 A. Yes.

12 Q. Will you please read it?

13 A. Order to -- excuse me.

14 "Ordered to identify each individual  
15 and/or organizations involved in accessing Konnech's  
16 protected computers."

17 Q. Understanding that there is some question of  
18 whether Konnech itself owned the computer server --

19 THE COURT: I'm sorry, counsel. That's  
20 not a question.

21 BY MR. WYNNE:

22 Q. Please answer the question.

23 A. To the best of my knowledge, Mike Hasson and  
24 the Federal Bureau of Investigations had access to --  
25 well, I'm sorry -- may I restate?

1                   Mike Hasson had access. The FBI  
2 ultimately received that data. I misspoke.

3           Q.     Would you read Roman numeral -- small Roman  
4 numeral 6.

5           A.     "Ordered to confidentially disclose to  
6 Konnech how, when and by whom Konnech's protected  
7 computers were accessed."

8           Q.     Can you please answer that question?

9           A.     To the best of my knowledge, Mike Hasson  
10 found vulnerability that was shown to Gregg Phillips.  
11 And the information was turned over to the Federal  
12 Bureau of Investigations.

13          Q.     And small Roman numeral 7. Would you please  
14 read that?

15          A.     "Ordered to identify all persons and/or  
16 entities in defendants' knowledge who have had  
17 possession, custody or control of any information or  
18 data from Konnech's protected computers."

19          Q.     Please answer that question.

20          A.     To the best of my knowledge, Mike Hasson and,  
21 again, it was given to the Federal Bureau of  
22 Investigations.

23                   MR. WYNNE: No further questions, Your  
24 Honor.

25                   THE COURT: All right. Who is handling

1 this witness?

2 MR. RICHARDSON: Nathan Richardson, Your  
3 Honor.

4 THE COURT: All right.

5 CROSS-EXAMINATION

6 BY MR. RICHARDSON:

7 Q. Good afternoon, Ms. Engelbrecht.

8 A. Good afternoon.

9 Q. Have you ever met Mike Hasson?

10 A. Yes, I have. One time.

11 Q. When did you meet him?

12 A. I don't recall.

13 Q. Do you recall where you met him?

14 A. I don't recall. I believe it was in Texas,  
15 but I don't recall exactly where.

16 Q. Do you recall if it was at an event, a  
17 political event? Anything of that nature?

18 A. No, I don't recall. I'm sorry.

19 Q. Did you go to dinner with him and have  
20 drinks?

21 A. That I didn't do.

22 Q. Do you recall around what year it was when  
23 you first met him?

24 A. 2021.

25 Q. You met him in 2021?

1 A. Yes.

2 Q. Was it before or after this night in the  
3 motel that Mr. Phillips has been talking about?

4 A. I don't recall.

5 Q. You would agree that that night that  
6 Mr. Phillips spent in the hotel with Mr. Hasson is a  
7 pretty significant event for you and True The Vote, as  
8 far as the way you guys are advertising it? Would you  
9 agree with that?

10 A. I would -- I would reframe it. I mean, it's  
11 significant for America. I don't --

12 MR. RICHARDSON: Objection.

13 Nonresponsive.

14 I will rephrase the question. Perhaps you  
15 can answer.

16 BY MR. RICHARDSON:

17 Q. The whole basis, the foundation of The Pit  
18 event that True The Vote put on was what Mr. Phillips  
19 claimed to have seen in that hotel room?

20 A. That's not true.

21 Q. That's not true?

22 A. No, sir.

23 Q. Is what Mr. Phillips saw in that hotel room  
24 entirely irrelevant to what you disclosed to people at  
25 The Pit?

1 A. No, I wouldn't think so.

2 Q. The point I'm getting at here is: Obviously,  
3 that night in the hotel room, whatever Mr. Phillips  
4 saw, True The Vote has latched on that and has used  
5 that to promote themselves. Is that right?

6 A. No. We've not done it to promote ourselves.

7 Q. Have you used it to try to get any more  
8 donations to your company?

9 A. No.

10 Q. You haven't asked for any donations in  
11 connection with what you're calling the Tiger Project?

12 A. Not to the best of my knowledge. I don't  
13 recall.

14 Q. But you're telling me you can't recall  
15 whether or not you met Mr. Hasson, Mike Hasson, before  
16 or after that January 2021 --

17 A. I do not recall. No, sir.

18 Q. When was the last time you spoke with  
19 Mr. Hasson?

20 A. I don't recall. I don't recall.

21 Q. You have spoken to Mr. Hasson?

22 A. Yes, I have spoken to Mr. Hasson.

23 Q. How many times have you spoken to him?

24 A. Maybe two or three times.

25 Q. How have you communicated with him?

1 A. Via -- well, on -- verbally. And then a  
2 messaging app.

3 Q. Verbally, meaning in person, face to face?

4 A. The one meeting, yes.

5 Q. What did you talk about the first time you  
6 spoke with him?

7 A. Likely research.

8 Q. Research on what?

9 A. Variety of things. We look at all manner of  
10 election intelligence. It could be anything.

11 Q. Is Mike Hasson a contractor with True The  
12 Vote?

13 A. No.

14 Q. Why is he giving you this information?

15 A. He's a patriot.

16 Q. What do you mean by "he's a patriot"?

17 A. When he identified, in the instance of  
18 Konnech, identified things that were problematic, he  
19 wanted to make sure that they were given to the FBI  
20 and due course taken.

21 Q. What would you consider a person to be a  
22 patriot? What does that mean?

23 A. When you -- by my definition, when you see  
24 things that harm this country or our countrymen, if  
25 there is a means by which you can report that



1 appropriately, lawfully, then to do so is a patriotic  
2 fact.

3 Q. So you have to report something to law  
4 enforcement to be a patriot for this country?

5 A. No, you're right in that observation.  
6 Certainly, in your daily conduct, in civic duty, love  
7 of country, all those things contribute, yes, sir.

8 Q. You have to have a certain political  
9 affiliation to be considered a patriot?

10 A. Absolutely not, no.

11 Q. Do you have to believe the election was  
12 stolen from Trump to be considered a patriot?

13 MR. WYNNE: Objection.

14 THE WITNESS: No.

15 BY MR. RICHARDSON:

16 Q. So whenever you spoke to him the first time,  
17 you said the first time he was giving you research.  
18 How about the second time --

19 THE COURT REPORTER: Excuse me, counsel.  
20 I need you to speak louder, please. And could you  
21 please speak slower.

22 BY MR. RICHARDSON:

23 Q. What about the second time you spoke with  
24 Mr. Hasson, what was he -- what were you talking  
25 about?

1           A.     I spoke to Mr. Hasson about this data  
2 specifically, because I was trying to understand what  
3 the FBI needed. And I was being told that they wanted  
4 to make sure they had the right data, and that -- I  
5 was trying to understand if he had -- if he had  
6 provided a copy or -- I was trying to understand what  
7 was necessary to support what the FBI was, to my  
8 understanding, was investigating.

9           Q.     You said he spoke to you about the data.  
10 What did he tell you about the data?

11          A.     He told me that he had dropped it to -- as I  
12 generally recall, he referred to a drop point, and he  
13 said, I have a drop point that I dropped the data to.

14                   And that because this had happened -- it  
15 must have happened later into 2021, because the -- the  
16 question was, where was the data that they were  
17 looking for, and Mike made the comment that he had  
18 resurfaced it to make it easy.

19                   Again, I'm repeating what he said. I  
20 don't have any technical knowledge about how that  
21 would be done.

22          Q.     You never saw this data, did you?

23          A.     No.

24          Q.     He never screen-shared any of this data that  
25 he found with you, did he?

1 A. No.

2 Q. Your only understanding of any data that Mike  
3 Hasson claim to have found is what he told you;  
4 correct?

5 A. Well, subsequent to that finding, I did my  
6 own review of using a open-source subscription for  
7 something called BinaryEdge, where you can look at  
8 certain URLs, and it will show you where they resolve  
9 to.

10 Q. You understand that that BinaryEdge actually  
11 only shows you certificates -- registration  
12 certificates?

13 A. That's not my understanding, no.

14 Q. What is your understanding of that?

15 A. My understanding is that you can, through a  
16 variety of inputs, find termination points for  
17 servers, including what type of server it's on, where  
18 it's located, the ports that are open.

19 Q. You never saw any data on any of those ports  
20 or go through any those ports for any database. Is  
21 that correct?

22 A. I did see the URLs that are the front doors  
23 to -- well, that's data. I'm not sure if that's what  
24 you're asking.

25 Q. No. We're talking about the data that is at

1 issue in this lawsuit, the poll worker data that you  
2 guys have claimed to have found.

3 Did you ever personally see any of that  
4 data?

5 A. No.

6 Q. You did nothing to verify that that data was  
7 ever on any of those servers that went through any of  
8 those ports that BinaryEdge was showing you. Is that  
9 correct?

10 A. Verification from BinaryEdge was sufficient  
11 to support what had been provided, to the best of our  
12 understanding, to the FBI.

13 Q. BinaryEdge doesn't show you the data. Isn't  
14 that correct?

15 A. No. But it shows approximate file sizes.

16 Q. My question is simply: BinaryEdge does not  
17 show you the data; correct?

18 A. No. That would be exposure of PII.

19 Q. That is what you're saying Mr. Mike Hasson  
20 did, was exposed PII. Is that correct?

21 A. He identified the data. Gave it to the FBI.

22 Q. Again, you never saw that PII? Is that  
23 correct?

24 A. No.

25 Q. And so was there a third time that you spoke

1 to Mike Hasson?

2 A. No. There would have been a follow-up  
3 communication in the messaging app, which I believe I  
4 actually have some screenshots that support some of  
5 that here today.

6 Q. What was that follow-up communication about?

7 A. Trying to ascertain whether or not he had  
8 surfaced the data, so that the agents in Detroit could  
9 find it.

10 Q. Have you communicated with him since this  
11 Court issued the TRO on September 12th?

12 A. No.

13 Q. You did not inform him that he was named at  
14 the October 6 hearing?

15 A. I've not spoken with him or communicated with  
16 him.

17 Q. Are you familiar with the Becket Law Firm?

18 A. No.

19 Q. Have you ever heard of Kevin "Seamus" Hasson?

20 A. No.

21 Q. Have you heard of Mary Rice Hasson?

22 A. No.

23 Q. Mike Hasson has never told you about anybody  
24 in his family --

25 A. No.

1 Q. Do you know where Mike Hasson lives?

2 A. No.

3 Q. Do you have his phone number?

4 A. No.

5 Q. So you've never spoken with him over the  
6 phone?

7 A. Different messaging apps, you don't have to  
8 reveal a phone number.

9 Q. What kind of messaging apps are these?

10 A. Variety. Signal, Wickr.

11 Q. What was that first one?

12 A. Signal.

13 Q. Signal. What does that do?

14 A. It's an encrypted text app. That is how I  
15 communicated with the FBI.

16 Q. That's also how you communicate with Mike  
17 Hasson?

18 A. It might have been. I really don't recall.

19 Q. Is there a screen name on the app or  
20 something to know who you're talking to?

21 A. Sometimes there is screen names. Sometimes  
22 there is pseudonyms.

23 Q. What is his screen name?

24 A. I really couldn't tell you.

25 Q. Could you look back at --

1 A. I don't keep records of them.

2 Q. Well, just a second ago, you told me that you  
3 kept some records of some conversations with  
4 Mr. Hasson. So are you saying those --

5 A. Well, I said --

6 (All parties speaking simultaneously.)

7 THE COURT REPORTER: Excuse me.

8 BY MR. RICHARDSON:

9 Q. Please let me finish my question.

10 THE COURT REPORTER: And, counsel, could  
11 you please speak slower.

12 MR. RICHARDSON: I will.

13 BY MR. RICHARDSON:

14 Q. So you're telling me that you did not look at  
15 back at those messages that you say that you have here  
16 in this courtroom and tell us what his pseudonym is in  
17 those apps?

18 A. I didn't save his messages. I saved specific  
19 messages from the FBI.

20 Q. So you have no saved messages from Mike  
21 Hasson?

22 A. No.

23 Q. You said Signal. What is the other messaging  
24 app you used?

25 A. Wickr is another.

1 Q. Wickr?

2 A. Uh-huh.

3 Q. Can you tell is that, please.

4 A. W-I-C-K-R.

5 Q. Why do you use these encrypted apps instead  
6 of text messages?

7 A. They're just thought to be safer, more  
8 secure.

9 Q. Why do you believe they're more secure?

10 A. Because they're encrypted end to end, so  
11 they're less prone to hacking.

12 Q. Do you believe that people are trying to look  
13 at your messages?

14 A. I believe it's possible.

15 Q. Who do you think might be looking at your  
16 text messages?

17 A. I couldn't tell you.

18 Q. You're telling me you did no text messages  
19 with Mike Hasson?

20 A. No.

21 Q. You don't have his phone number?

22 A. No.

23 Q. You said you have met Mike Hasson in person;  
24 correct?

25 A. Uh-huh.



1 Q. You know what he looks like?

2 A. I really couldn't tell you, no. My general  
3 recollection is, he was younger than I, Caucasian.  
4 But beyond that, I really -- I couldn't tell you.

5 Q. Have you seen the picture of Mike Hasson that  
6 has been in this courtroom?

7 A. I have not.

8 MR. RICHARDSON: Defense Exhibit 1.

9 Excuse me. Plaintiff's Exhibit 1.

10 Do you mind if I approach, Your Honor?

11 THE COURT: Please.

12 BY MR. RICHARDSON:

13 Q. There is a picture on the back as well. Does  
14 this person look familiar to you?

15 A. Not -- not to the best of my -- I couldn't  
16 tell you whether or not this was Mike Hasson.

17 THE COURT: That wasn't the question.

18 THE WITNESS: Does he look familiar? No.

19 BY MR. RICHARDSON:

20 Q. Have you attended any events for prosperity  
21 of Texas?

22 A. Prosperity of Texas? I'm not familiar with  
23 that organization.

24 Q. Are you familiar with any organization that  
25 has a similar name that I may be --

1 A. There is an organization called Americans for  
2 Prosperity, yes.

3 Q. Have you attended any of those events?

4 A. I believe I attended those -- an event from  
5 American prosperity (sic) probably when I was -- first  
6 started the organization. So like 2010. 2011 maybe.

7 Q. So you've never seen Mike Hasson give any  
8 speeches at any of those events?

9 A. No.

10 Q. Are you familiar with any organization that  
11 Mike Hasson is affiliated with?

12 A. No.

13 Q. Do you know if he works for anybody?

14 A. No.

15 Q. Do you know if he owns any of his own  
16 companies?

17 A. No.

18 Q. Do you know what he does to make a living?

19 A. No.

20 Q. Do you have any basis to believe that Mike  
21 Hasson had the capability to do these internet -- to  
22 hack essentially?

23 A. I have no basis to believe he hacked, no.

24 Q. Do you have any basis to believe that he is  
25 capable of computer hacking?

1 A. Not to the best of my knowledge.

2 Q. Do you have any basis to believe that he has  
3 any technical experience that would give him the  
4 background to be able to do that?

5 A. To hack?

6 Q. To access any computer that is not public.

7 A. Not to the best of my knowledge.

8 Q. So you have no way to verify that what Mike  
9 Hasson showed -- excuse me, showed Mr. Phillips and  
10 what Mr. Phillips told you, that it was actually what  
11 they were saying it was? Isn't that correct?

12 A. Well, the way I would support that answer --  
13 if I may?

14 THE COURT: You haven't given an answer.

15 THE WITNESS: Oh, I am so sorry.

16 Repeat the question. I want to answer it  
17 directly first.

18 BY MR. RICHARDSON:

19 Q. My question was: Since you have no basis to  
20 understand any technical background of Mr. Hasson, you  
21 therefore have no basis to know that what Mr. Hasson  
22 told Mr. Phillips and what Mr. Phillips told you was  
23 actually true. Isn't that correct?

24 A. No, that is not correct.

25 Q. Why is that not correct?

1           A.     Because for the following 16 months we worked  
2 with the FBI to support the furtherance of an  
3 investigation into Konnech.

4           Q.     The FBI -- well, True The Vote has claimed  
5 that the FBI turned the tables on them and began  
6 looking at them for accessing a server in China. Is  
7 that correct?

8           A.     No.

9           Q.     And so your answer is no?

10                         So everything that you were telling the  
11 people at The Pit and on these podcasts, that the FBI  
12 hashtag turned the tables or flipped the script, that  
13 that is not true?

14           A.     No. Everything we said at The Pit was one  
15 hundred percent true. What we -- the clarification  
16 point I would make is that we were told by FBI agents  
17 that it was possible that these -- these efforts to  
18 look at our work were being suggested by people in the  
19 DC headquarters, and everybody was very concerned  
20 about that clearly. But I have no basis to believe  
21 that it's actually happening.

22           Q.     I don't mean a formal investigation  
23 necessarily.

24           A.     Uh-huh.

25           Q.     I'm not looking into you --

1 A. Uh-huh.

2 Q. -- for what you claim you've done.

3 You told people at The Pit, you filmed  
4 podcasts and repeatedly said that the FBI made True  
5 The Vote, Mr. Phillips in particular, a target for  
6 what he claims allegedly stealing the Chinese  
7 internet.

8 Were you lying then or are you lying now?

9 A. I'm not lying.

10 Q. So the FBI never was looking into True The  
11 Vote, you or Gregg Phillips, for doing -- making an  
12 unauthorized access into a Konnech server?

13 A. I'm not sure how to answer that with a yes or  
14 no. We had an agent, Huy Nguyen, specifically, give  
15 us information that people from the DC headquarters  
16 had gotten involved in the investigation and wanted to  
17 look further into True The Vote.

18 And whether or not that actually occurred,  
19 I don't know. But it certainly gave us rise for  
20 concern and those conversations continued.

21 Q. But you're trying to paint the picture for  
22 your followers that it actually had occurred. Isn't  
23 that right?

24 A. No. I'm trying to paint the picture that  
25 it's possible that it could and it's very serious. In

1 fact, we had -- if I may -- an FBI agent tell us to be  
2 prepared to take what he considered the nuclear option  
3 and to go public.

4 Q. Go public with what?

5 A. With the information about all that we had  
6 done with the FBI. And that is why we held The Pit,  
7 and that is what we said at The Pit.

8 Q. So you're telling me, while you're on the  
9 stand, that you have -- that you did not try to paint  
10 the picture that the FBI had flipped the tables and  
11 were looking into you, as opposed to looking into  
12 Konnech?

13 A. I think your view of painting the picture and  
14 my view are different.

15 THE COURT: That's a yes or no.

16 THE WITNESS: Can you repeat the question?

17 BY MR. RICHARDSON:

18 Q. Is your testimony that you have never tried  
19 to portray to your followers online, on social media,  
20 or at The Pit, that the FBI was investigating you as  
21 opposed to Konnech?

22 A. No, I don't think I've ever intentionally  
23 conveyed that.

24 Q. You think you might have accidentally conveyed  
25 that?

1           A.     Well, I think I've conveyed, as I have  
2     shared, that we were told by FBI agents that the  
3     Washington, DC bureau was attempting to look into our  
4     actions, and the agents that we were working with were  
5     so alarmed that one in particular, Huy Nguyen,  
6     suggested that we be prepared to take the nuclear  
7     option and go public.

8                     And that is what I communicated. I  
9     hope -- I hope with all I have that it's not true.  
10    But when an FBI agent tells you that it's happening  
11    and suggests that you take the nuclear option, it  
12    gives you something to think about.

13           Q.     When is the last time you spoke to the FBI?

14           A.     I sent -- I believe -- if I could have my  
15    notes. I have the screenshots. I would love to share  
16    them. I would love to read my last correspondence, if  
17    I may. I'm not sure if I can do that.

18           Q.     I think we'll do ask -- question/answer.

19           A.     Okay. I'm not exactly sure then. It would  
20    have been in October of this year.

21           Q.     You were not in that hotel room in January of  
22    2021. Is that right?

23           A.     No, sir.

24           Q.     Do you recall appearing on a podcast in  
25    September of this year where you talked about the

1 Tiger Project and Konnech?

2 A. Not specifically, no.

3 Q. You don't? Okay.

4 Do you recall appearing on Mr. Phillips'  
5 podcast called *Patriot Games*?

6 A. I have been on his podcast, yes.

7 Q. Have you been -- you were on his podcast in  
8 September of this year; correct?

9 A. It's possible, yes.

10 Q. Do you recall saying on that podcast that you  
11 said, "We pulled in Gregg's team and asked them to  
12 take a deeper dive around doing some basic tests  
13 around the very basic security of the software  
14 itself"?

15 A. Uh-huh.

16 Q. You do recall --

17 A. No. I don't recall saying that, but that  
18 does sound like something I would have said, yes.

19 Q. Who is Gregg's team?

20 A. He has a variety of people that we work  
21 with -- that he works with.

22 Q. Well, let's start with the team you were  
23 referring to on that statement about the team you  
24 wanted to take deeper dive in the security of the  
25 software.



1 A. I mean, I was referring to using BinaryEdge.

2 Q. His team is BinaryEdge?

3 A. I'm talking about people that are using  
4 BinaryEdge or looking at open-source stuff. Every  
5 name I give you gets doxed and harassed. So I'm very  
6 cautious.

7 Q. Well, you're under Court order today to be  
8 giving us information.

9 Who is Gregg's team that you referred to  
10 when you asked them to take a dive around the security  
11 of software? Who are the people on that team?

12 MR. WYNNE: I'm going to object to the  
13 extent it requests information outside of her own  
14 personal knowledge.

15 THE COURT: Overruled.

16 BY MR. RICHARDSON:

17 Q. Can you answer the question? Who is Gregg's  
18 team that you were asked to take a dive around  
19 security of software?

20 Are you going to answer the question?

21 A. I'm deeply contemplating this, because I know  
22 what happened to Mike after his name was released.  
23 He's in hiding. So I'm very cautious.

24 THE COURT: Excuse me. How do you know  
25 he's in hiding?

1 THE WITNESS: I have been -- it's been  
2 rumored. In fairness, it's been rumored.

3 THE COURT: Then you don't know, do you,  
4 unless you talked to Mike?

5 THE WITNESS: You're correct, Your Honor.

6 THE COURT: Restate your question.

7 BY MR. RICHARDSON:

8 Q. The question again is: Who makes up the  
9 team, Gregg's team, that you asked to take a dive  
10 around the security of software?

11 Are you refusing to answer the question?

12 A. No. I'm just drawing a blank at specific  
13 names. And then, I don't want to get the name wrong  
14 and saying something that is incorrect.

15 There have been a variety of people that  
16 we -- or that Gregg has worked with for different  
17 things, and this was -- and it's also very important  
18 to understand that that statement was made relative to  
19 open-source information, things that you can find on  
20 Google.

21 MR. RICHARDSON: Objection.  
22 Non-responsive. You're not answering --

23 THE COURT: Sustained.

24 BY MR. RICHARDSON:

25 Q. What are the names of the people that made up

1 the team, Gregg's team, that you asked to take a  
2 deeper dive around the security of software?

3 A. Gregg's company, Obsec (phonetic), is our  
4 contractor. I cannot tell you the names -- the full  
5 names of his team. I -- I don't know them --

6 THE COURT REPORTER: Can you say the name  
7 of the company again?

8 THE WITNESS: Sure. "Opsec."

9 BY MR. RICHARDSON:

10 Q. So the team you're referring to is just  
11 Opsec?

12 A. That's the company, yes.

13 Q. Do people work for Opsec?

14 A. The contractors and -- I really don't know  
15 the ways in which they are engaged.

16 Q. A second ago you were saying you didn't want  
17 to tell me the names because you were concerned for  
18 their safety?

19 A. That's true. But also, as I sit here, I'm  
20 struggling to think of like first name, last name.  
21 Some people go by different -- I mean, it's just a  
22 very loose affiliation.

23 Q. I'm asking you to tell me what you know.

24 A. Okay.

25 Q. Who was on Gregg's team that you asked to

1 take a deeper dived around the security of software?

2 A. To the best of my knowledge, there was  
3 someone named John.

4 Q. John what?

5 A. I couldn't tell you.

6 Q. Who else?

7 A. There was someone -- I'm drawing a complete  
8 blank. I apologize.

9 Q. What is John's position with Opsec?

10 A. They're all researchers. They all do  
11 different things.

12 Q. What do they research?

13 A. Open-source intelligence.

14 Q. Do they research security around software?

15 A. It's certainly possible. Clearly, in the  
16 podcast, I said it. And we have open-source records  
17 to support findings. So...

18 Q. But you never even saw the data that we're  
19 talking about here today. So you don't know what  
20 supports -- what you didn't see? So --

21 A. No. That's actually not true.

22 Q. How is it not true?

23 A. The data is one aspect of this. But the  
24 insecurities around Konnech's websites, and there are  
25 many, are fully available on open-source anything.

1 You can see it.

2 Q. Let's go through that then. So it sounds  
3 like you know how it was accessed then?

4 A. No. I don't know how the data was accessed.

5 Q. So how do you know there are any  
6 vulnerabilities?

7 A. You can use BinaryEdge. It will show you the  
8 vulnerabilities.

9 Q. How does BinaryEdge show you the  
10 vulnerabilities?

11 A. A vulnerability would be, if you're able to  
12 reside on the UNICOM backbone in China.

13 Q. And that is a security vulnerability; to  
14 access that server? Or is that just a location of  
15 something?

16 A. Well, in that particular instance, and I  
17 believe this has been submitted along with our other  
18 things today, there are host of URLs. Formation would  
19 be, for example, vote for L.A., vote for Fairfax, vote  
20 for Hillsborough. Those are the front doors to a  
21 product called PollChief. That is how Konnech uses  
22 its user interface to capture data.

23 MR. RICHARDSON: Objection.

24 Nonresponsive.

25 THE WITNESS: Those URLs resolve on the

1 Chinese UNICOM backbone in China, according to  
2 BinaryEdge.

3 MR. RICHARDSON: Objection.  
4 Nonresponsive.

5 BY MR. RICHARDSON:

6 Q. I'm asking you about the security  
7 vulnerabilities you just mentioned.

8 A. Okay.

9 Q. Do you know or do you not know actual  
10 security vulnerabilities of any Konnech computer,  
11 software, server or the like?

12 A. BinaryEdge indicates that there are many  
13 Konnech-run websites that resolve in China. I guess I  
14 don't understand the question.

15 Q. Security would mean -- a flaw in security,  
16 something that makes it accessible --

17 A. You're right. Then that must be intentional.

18 Q. What is intentional?

19 A. That Konnech is hosting all of their data in  
20 China.

21 MR. RICHARDSON: Objection.  
22 Nonresponsive.

23 THE COURT: I'll sustain it.

24 BY MR. RICHARDSON:

25 Q. My question is: Do you know of any security

1 vulnerabilities of Konnech's software, servers or  
2 computers? Not the location of where any of this is.  
3 Security vulnerabilities to where a public could  
4 access it?

5 A. Yes.

6 Q. And what is that?

7 A. BinaryEdge.

8 Q. That is not the answer.

9 BinaryEdge shows the location of  
10 something. It does not show an open door or an open  
11 window that is not locked.

12 A. I respectfully disagree.

13 Q. I'm going to ask one more time --

14 A. Sure.

15 Q. -- do you know, or do you not know, of any  
16 unlocked doors or windows, so to speak, of any Konnech  
17 server, software or computer?

18 A. I want to be clear. Are we talking about  
19 security vulnerabilities or unlocked doors?

20 Q. They are one in the same as to how you can  
21 access it without authority.

22 Do you know of any vulnerabilities to  
23 where somebody could access Konnech's protected  
24 computers, servers or the like that would constitute a  
25 security vulnerability?

1 A. There are many ways that could be true, yes.

2 Q. So do you or do you not know how Konnech's  
3 computers were accessed?

4 A. I have no personal knowledge of what  
5 transpired to access that data.

6 Q. So you do not know of security  
7 vulnerabilities. And that's fine if you don't. We'll  
8 move on.

9 A. Or we can keep at that question if you would  
10 like.

11 Q. You haven't answered my question. So I don't  
12 know why we're going to waste any more time on it.

13 A. Okay.

14 Q. I want to step back.

15 You said the FBI asked you to go public.  
16 When did they ask you to go public?

17 A. It must have been -- to the best of my  
18 recollection, it would have been around May or June of  
19 2022.

20 Q. How did they ask you to do this? Did they  
21 send you a letter? Did they call you up?

22 A. It was a phone call.

23 Q. Who was the phone call with?

24 A. Huy Nguyen.

25 Q. And what specifically did he ask you to do?



1           A.     Well, he didn't ask me, to be very clear, he  
2 suggested. He said that the people who were involved  
3 in Washington, DC were -- well, if I may. Basically,  
4 the way he described this is, he said: I'm losing  
5 sleep. I can't believe that this is happening. DC is  
6 continuing down this path. You need to be prepared to  
7 take the nuclear option.

8                     And I said: What does that mean?

9                     And he said: You need to be prepared to  
10 go -- I don't recall specifically if he said to the  
11 press or go public.

12                    Frankly, I was so overwhelmed by that  
13 statement that I don't really remember. Nonetheless,  
14 it was basically essentially go public.

15           Q.     So what you're saying is that Mr. -- or what  
16 Agent Nguyen asked you to do was essentially undermine  
17 or obstruct the efforts of what the FBI in DC was  
18 trying to do. Is that correct?

19           A.     I can only tell you what he told me. How  
20 that impacts the rest of it, I couldn't say.

21           Q.     Well, would you agree, then, if FBI in  
22 Washington, DC was not wanting to go forward with an  
23 investigation, and they wanted to, you know, do  
24 whatever with it, if another agent is asking you to go  
25 public with it, would you disagree that that is

1 undermining the efforts of Washington, DC FBI?

2 A. I don't know.

3 Q. Is this what did you at The Pit? Was that  
4 your effort to go public and do the nuclear option?

5 A. That was part of what we discussed, yes.

6 Q. You don't think that that undermined any  
7 efforts of agents in DC?

8 A. I don't know.

9 Q. What you were doing at The Pit, instead, was  
10 sacrificing Konnech in an attempt to save yourself  
11 from the FBI. Isn't that right?

12 A. No.

13 Q. What were you doing at The Pit in connection  
14 with Konnech?

15 A. We were telling the story of the past 16  
16 months working with the FBI and what had brought us to  
17 that moment.

18 Q. Again, you never even saw that data; right?

19 A. No.

20 Q. And you're not going to sit here and tell me  
21 today how that data was found. Is that right?

22 A. I have no personal knowledge of that.

23 Q. But you are claiming to have personal  
24 knowledge of security flaws in any Konnech computer,  
25 software or server. Is that right?

1 A. Yes.

2 Q. And you're not willing to sit here and tell  
3 me what those flaws are?

4 A. Well, maybe I'm misunderstanding the  
5 question. When I hear you say that, we talk of  
6 security flaws, I think of the fact that they're  
7 connected to servers and that our election  
8 information -- U.S. election information is connected  
9 to servers in China, to me that is a security flaw.

10 But I may be misinterpreting what you're  
11 asking and I don't mean to.

12 Q. The only person that has claimed to have  
13 accessed this data or seen any data is Mr. Phillips  
14 and Mr. Hasson and this third person, who has not been  
15 named in this courtroom today. Is that right?

16 A. Yes.

17 Q. So we're not talking about anybody in China  
18 accessing any data. We're talking about what  
19 defendants Mike Hasson and this person did.

20 So I'm asking you again: Are you aware of  
21 any security flaws that they used to access that data?

22 A. I have no personal knowledge of that.

23 Q. Was this -- Gregg's team, was Mr. Hasson part  
24 of that team?

25 A. I have no personal knowledge of that.

1 Q. Was this third person who defendants are  
2 refusing to name -- was he part of that team?

3 A. I have no personal knowledge of that.

4 Q. Are you going to give me the name of that --

5 A. No.

6 Q. Why not?

7 A. Because it is my understanding that he is a  
8 confidential informant for the Federal Bureau of  
9 Investigations.

10 Q. Have you spoken with this person?

11 A. Yes.

12 Q. When is the last time you spoke with him?

13 A. Man, I don't know that I've even spoken with  
14 him this year.

15 Q. When was the first time you spoke to this  
16 person?

17 A. The very first time I spoke with him?  
18 Probably 2011.

19 Q. Where did you speak with him? Did you meet  
20 him in person?

21 A. I did meet him in person, yes.

22 Q. Where?

23 A. I think it was at the hotel, an event,  
24 something like that. Hotel event.

25 Q. He's not just inviting people to meet him at

1 hotels all the time. Okay.

2 What kind of event was it?

3 A. Probably some kind of conference or  
4 something.

5 Q. What kind of conference? Political  
6 conference?

7 A. That was back in, you know, the days where  
8 there were so many grassroots groups. In that  
9 respect, I don't have specific recollection.

10 Q. Do you recall what you spoke to him about?

11 Do you recall any conversations you've had  
12 with this unnamed individual?

13 A. Sure. I recall some conversations.

14 Q. Have any of those conversations concerned  
15 Konnech?

16 A. Not that I can specifically recall.

17 Q. Are you a confidential informant?

18 A. I was, yes.

19 Q. When were you first --

20 A. I don't know exactly. I think it was the  
21 first quarter of 2021 through approximately June of  
22 2022. Or maybe May of 2022.

23 Q. Why did you lose your claimed CI status?

24 A. What we were told was that --

25 THE COURT: I'm sorry. How did you lose

1 it? And then you can tell us who the "we" is.

2 THE WITNESS: Okay. My understanding is  
3 the way that I lost the confidential status was due to  
4 a meeting that we had with the Arizona Attorney  
5 General's criminal team when we were presenting them  
6 with information.

7 And we had agreed that we would use the  
8 FBI as a hub for data, relative to geospatial data,  
9 and that way the criminal team and other law  
10 enforcement agencies could access it without worry of  
11 breaks of chain of custody or provenance of data.

12 And so in this meeting, we agreed that  
13 they would give us a 24 hours or so to notify the FBI  
14 that this was our intention. And in that  
15 conversation, they asked how we normally provided the  
16 data to the FBI. And we said -- I said, it's given  
17 confidentially.

18 They took that information at the  
19 conclusion of that meeting and began to call all  
20 around to other FBI offices apparently -- this is what  
21 we were told. And so we and I will just -- I'll  
22 finish with: I was told by Huy Nguyen that whomever  
23 he reported to had heard from others, I guess -- I  
24 really don't know, but had been told that the Arizona  
25 Attorney General's criminal team had made so many

1 calls and asked straight out, apparently, if we were  
2 confidential informants, and that because of that,  
3 that was grounds for no longer being able to afford us  
4 that coverage. And the "we" in this case was myself  
5 and Gregg Phillips.

6 BY MR. RICHARDSON:

7 Q. You did something that caused your claimed CI  
8 status to be withdrawn?

9 A. I didn't, no.

10 Q. Somebody says you did. The FBI says you did?

11 A. Well, the FBI said that the Arizona Attorney  
12 General's criminal team made so many calls and they  
13 said that -- asked if we were confidential informants.  
14 We did not provide that information.

15 Q. You're certainly aware that the Arizona  
16 Attorney General has issued statements, has asked the  
17 IRS to investigate you. Is that right?

18 A. That's correct.

19 Q. They claim that you never provided any  
20 evidence to them. Isn't that right?

21 A. That's correct.

22 Q. You posted a picture -- actually you posted a  
23 statement and a picture with Mr. Phillips holding a  
24 hard drive on True The Vote's website. Isn't that  
25 right?

1 A. Correct.

2 Q. Did that hard drive contain any Konnech data  
3 on it?

4 A. No.

5 Q. The hard drive was just a geolocation data  
6 that was used in *2000 Mules*?

7 A. It was Arizona-specific data for the  
8 jurisdictions in which we conducted the research.

9 Q. Not any Arizona poll worker data?

10 A. No.

11 Q. Did Mr. Phillips bring with him to Houston --  
12 when he left Dallas, did he bring with him a flash  
13 drive, a hard drive, a copy of any Konnech data that  
14 he received from that hotel room?

15 A. I don't recall. I don't know. I never saw  
16 that if it happened.

17 Q. You don't know if he had --

18 A. I don't know.

19 Q. He never showed you a copy?

20 A. No. There would have been no need.

21 Q. Did he tell you what he did that night?

22 A. He told me what he had seen and the need to  
23 report it to the FBI immediately.

24 Q. He told you who he was with?

25 A. He told me about Mike, yes.



1 Q. That's the only person he said was there?

2 A. I didn't even ask. Yes.

3 Q. Does Mr. Phillips travel with armed security?

4 A. He does now, yes.

5 Q. He didn't back then?

6 A. No.

7 Q. So there wouldn't have been any security with  
8 him at that time?

9 A. I couldn't tell you. I wasn't there.

10 Q. If Mr. Phillips stated on a podcast that he  
11 took this data down to Houston, was he misstating the  
12 truth of what happened?

13 A. Without further context, I really couldn't  
14 tell you. I mean, there were so many things we were  
15 providing to the FBI relative to the geospatial data  
16 that he may have said that, and it could've very well  
17 meant a hard drive that we provided to various  
18 jurisdictions across the country.

19 Q. We're not talking about any geospatial data.  
20 We're talking about the data that he claims that he  
21 witnessed over four-and-a-half hours, from midnight to  
22 4:30 a.m., that he claimed on a podcast to have taken  
23 that data immediately to Houston -- he left that  
24 night. He took that data to show you.

25 Was that a misstatement? Is that not what

1 happened?

2 A. Well, no. What happened -- I can't attest to  
3 what he said. I don't know.

4 Q. I'm asking you if that's true; if my  
5 characterization of what happened is true?

6 A. No. Your characterization is not true. I  
7 never saw the data.

8 Q. He never showed you: Look what I have, a  
9 flash drive or hard drive?

10 A. Not that I recall, no.

11 Q. Have you ever spoken with anybody at L.A.  
12 County about Konnech?

13 A. Yes.

14 Q. Who?

15 A. Eric Neff. Andrew, whose last name I, too,  
16 can't remember.

17 Q. What did you speak to them about?

18 A. About the open-source information that we had  
19 at that point on Konnech.

20 Q. Did you speak to him about any personal  
21 identifying information of poll workers that  
22 Mr. Phillips claims to have seen?

23 A. We told them that we provided it to the FBI,  
24 yes.

25 I say "we." Sorry. That Gregg had

1 provided or had facilitated -- that reports had been  
2 filed about.

3 Q. We'll get to who gave what to the FBI.

4 But did you describe any of the data that  
5 Mr. Phillips saw or claims to have seen to the L.A.  
6 D.A.?

7 A. I have no specific recollection of that.

8 Q. Have you seen any photos of the data --

9 A. No.

10 Q. No screenshots of it? Mr. Phillips didn't  
11 bring his cellphone out and take pictures of the  
12 screen in the hotel room?

13 A. No.

14 Q. Did you testify in grand jury?

15 A. No.

16 Q. Have you served as any sort of witness or  
17 informant for the L.A. D.A.?

18 A. No, I guess not. I talked to them, as I  
19 said, but not in any official capacity I don't guess.  
20 I don't know.

21 Q. Are you aware of anybody other than  
22 Mr. Hasson who has Konnech data without authority?

23 A. No. I mean -- no.

24 Q. You don't know or no?

25 A. I don't personally agree with the framing of

1 that question. So I'm hesitant, because I don't  
2 believe that anything that has happened here has been  
3 illegal.

4 But, regardless, I don't know of anybody  
5 that had access to the data in any manner other than  
6 Mike Hasson.

7 Q. Are you aware of any authority that Konnech  
8 gave Mike Hasson to access its computers?

9 I'll rephrase the question.

10 In your personal knowledge, has Konnech  
11 given Mike Hasson authority to access its computers?

12 A. I have -- I can't -- I have no personal  
13 knowledge of that.

14 Q. Has Konnech given you authority to access its  
15 computers?

16 A. No.

17 Q. Has Konnech given True The Vote authority to  
18 access its computers?

19 A. No.

20 Q. As you sit here, you're saying you do not  
21 know one single other person on this Earth who has  
22 Konnech poll worker data that did not have authority  
23 to have that?

24 MR. KIYONAGA: Your Honor, could you ask  
25 counsel to speak up? I can't hear the question.

1 BY MR. RICHARDSON:

2 Q. Did you hear my question?

3 A. If you could repeat it?

4 Q. Do you know a single other individual or  
5 entity on the face of this Earth who has Konnech poll  
6 worker data that Konnech did not give authority to  
7 possess?

8 A. Again, question -- but understanding I  
9 believe what you're asking beyond what we've already  
10 described here, no, there is no one that I know.

11 Q. What do you believe it is that I'm asking?  
12 So we make sure that --

13 A. Sure. Sure. Well, I have no personal  
14 knowledge of how that data was accessed. So that  
15 probably should be the extent of my answer.

16 Q. I'm not asking if you have any authority  
17 about how the data was accessed.

18 I'm asking you about whether or not you  
19 know anybody who has possession, custody or control of  
20 any Konnech poll worker data that was not granted  
21 authority to have that data?

22 A. No.

23 Q. Not a single person?

24 A. No.

25 Q. Not an organization?

1           A.     I mean, I don't know if L.A. County  
2 approved -- I mean, if Konnech approved the raid for  
3 L.A. County, I don't know how to think about that or  
4 FBI. They have it. I don't know.

5           Q.     L.A. County, FBI, Mike Hasson are the only  
6 individuals?

7           A.     Yes.

8           Q.     Do you know if Mike Hasson still has a copy  
9 of it?

10          A.     I don't know.

11          Q.     Do you know if this third person that you're  
12 refusing to name still has a copy of it?

13          A.     To the best of my knowledge, I have no reason  
14 to think that person would have anything to do with  
15 this.

16          Q.     I'll give you one more chance.

17                    Are you going to give us the name of the  
18 third person that was involved in accessing Konnech's  
19 computers?

20          A.     I cannot do that.

21                    Please let me just restate, because you  
22 trailed off at end. Maybe I missed it.

23                    The third person didn't, to the best of my  
24 knowledge, ever have any access or any connection to  
25 any of this.

1 Q. He was there that night, in January of 2021,  
2 in that hotel room in Dallas?

3 A. I don't even have specific knowledge of that.

4 Q. You've been told by Mr. Phillips. Is that  
5 right?

6 A. I've been told generally, yes. And so --  
7 it's interesting, it's entire possible that we may not  
8 even be talking about the same thing. But, yes.

9 Q. What do you think we're talking about?

10 A. I believe I know the third person and I'm --

11 Q. Who is the third person?

12 A. -- very cautious.

13 I am sorry?

14 Q. Who is the third person?

15 A. This is a confidential that I cannot give the  
16 name of.

17 Q. Has the FBI told you that you can't give us  
18 that name?

19 A. I'm not sure what the rules are around that.  
20 I wish I had more clarity.

21 MR. RICHARDSON: Objection.  
22 Nonresponsive.

23 BY MR. RICHARDSON:

24 Q. I asked you: Has the FBI told you  
25 specifically that you cannot give us that name?

1                   It's yes-or-no question.

2           A.    No.  The FBI has never told me that  
3 specifically.

4           Q.    So you are refusing to tell us that name here  
5 today?

6           A.    I just don't think I'm supposed to do that.  
7 I can't do that.  I'm sorry.

8           Q.    Are you aware that at the October 6 hearing  
9 your counsel told Your Honor here that the FBI told  
10 him they have no interest in protecting this  
11 information?  Are you aware of that?

12          A.    Yes.

13          Q.    And despite that statement from your lawyers,  
14 what they were told by the FBI, you're refusing to  
15 tell me the name of the individual.  Is that right?

16          A.    Yes.

17                   MR. RICHARDSON:  Pass the witness.

18                   THE COURT:  I have a couple of questions.

19                   THE WITNESS:  Yes, sir.

20                   THE COURT:  So is it your personal choice  
21 or decision not to disclose the name of that person?

22                   THE WITNESS:  Yes, sir.

23                   THE COURT:  All right.

24                   You've never seen the data I think you  
25 said?



1 THE WITNESS: No, sir.

2 THE COURT: If that data had the names of  
3 individuals who were poll workers in many counties  
4 throughout the United States, personal information;  
5 names, addresses Social Security numbers, bank account  
6 numbers, that kind of information was what was  
7 accessed, do you believe that that is a serious  
8 matter?

9 THE WITNESS: Absolutely, yes.

10 THE COURT: And that's the kind of  
11 information that you would not want --

12 THE WITNESS: No, sir.

13 THE COURT: -- public to disclose;  
14 correct?

15 THE WITNESS: No, sir.

16 THE COURT: The way that you answered your  
17 questions leaves me to believe, and you can correct  
18 me, that True The Vote was under investigation by the  
19 FBI involved because it was involved in some -- the DC  
20 FBI involved, and felt that you were involved, you  
21 meaning True The Vote was involved in some activity  
22 that might violate federal law.

23 At some point in time this Konnech was  
24 offered up by your company as a way of, I guess,  
25 vindicating what you were doing, and they then

1 decided -- they meaning the FBI decided, that they  
2 would investigate you further. Am I wrong in that?

3 You were under investigation before  
4 Mr. Phillips went to Dallas, weren't you?

5 THE WITNESS: I don't believe so. No,  
6 sir.

7 THE COURT: When did you come under  
8 investigation?

9 THE WITNESS: I don't know that we are  
10 under investigation now.

11 THE COURT: No. When did you come under  
12 investigation?

13 THE WITNESS: I don't believe we're under  
14 investigation.

15 THE COURT: You don't think you've ever  
16 been under investigation?

17 During this relevant period of time?

18 THE WITNESS: Pardon?

19 THE COURT: During this relevant period of  
20 time?

21 THE WITNESS: Right.

22 THE COURT: You were not under  
23 investigation at any time is what you're telling me?  
24 Your company, you, individually, or True The Vote or  
25 Phillips. You-all were not under investigation at any

1 time during this relevant period that we're talking  
2 about here. Is that what you're saying?

3 THE WITNESS: Yes, sir. That is what I'm  
4 saying, but with one -- just I want to make sure I've  
5 stated this clearly. When the agents that we were  
6 working with told us what was happening through the  
7 Washington, DC bureau, they expressed it as their  
8 concern that it could go further, that it could  
9 happen, but it -- but to the best of my knowledge, it  
10 never -- I mean, there has not been anything further  
11 from that, which I'm thankful for.

12 THE COURT: You said something to the  
13 effect that it May or June of 2022 this FBI agent, not  
14 informant, not confidential, but a federal employee,  
15 Nguyen, who is with the FBI, informed that you the  
16 people in DC were doing some things that might be  
17 harmful to you investigation-wise, and that if they  
18 were continuing, you probably needed to prepare to go  
19 public?

20 THE WITNESS: Yes, sir.

21 THE COURT: So you were or were not under  
22 investigation?

23 THE WITNESS: I don't know. I don't know  
24 if -- if he was just concerned that it was kind of  
25 heading that direction, I don't know. I've not been

1 contact by the FBI in any way that, you know,  
2 suggests --

3 THE COURT: You've never been told by the  
4 FBI you're under investigation? You never received a  
5 letter from the FBI?

6 THE WITNESS: No, sir.

7 THE COURT: Or any of your employees or  
8 contract people have come in and given testimony?

9 THE WITNESS: No, sir.

10 THE COURT: Or statements; right?

11 THE WITNESS: No, sir.

12 THE COURT: Did you sign an affidavit, a  
13 statement involving the California investigation that  
14 is ongoing?

15 THE WITNESS: No, sir.

16 THE COURT: Your first knowledge of that  
17 was when?

18 THE WITNESS: When they contacted us.

19 THE COURT: Who is "us"?

20 THE WITNESS: They contacted -- we were --

21 THE COURT: Who is "we"?

22 THE WITNESS: Gregg Phillips and myself.

23 And that would have been approximately July -- maybe  
24 June or July of 2022.

25 THE COURT: Did you testify before the

1 grand jury?

2 THE WITNESS: No, sir.

3 THE COURT: Did you give a statement to  
4 them at any time?

5 THE WITNESS: I did meet with them. I'm  
6 not certain if anything I said would have been, you  
7 know, a statement per se, but I did meet with them.

8 THE COURT: Did you sign a statement with  
9 the FBI?

10 THE WITNESS: No, sir.

11 THE COURT: They contacted you and asked  
12 you to verify the data that they had received, didn't  
13 they?

14 They wanted to know how to know that they  
15 had the right data?

16 THE WITNESS: I did provide them with many  
17 files that were open-source files, contracts that we  
18 had gathered through open-records requests.

19 So it's possible certainly that they asked  
20 me if they had the right thing, because I did send it  
21 to them electronically.

22 THE COURT: What I understand you to be  
23 saying is that Konnech -- and maybe, I don't know,  
24 maybe some other companies -- have with, let's say,  
25 Harris County or Bexar County, or any county in

1 Arizona or Michigan or California or anywhere else in  
2 the United States. These are public documents?

3 THE WITNESS: Yes, sir.

4 THE COURT: And so you have these public  
5 documents showing that Konnech has signed the contract  
6 to provide certain support to each of those counties  
7 regarding handling poll workers and staffing poll  
8 workers and tallying votes and paying these people  
9 when they do work. That is what you were seeking from  
10 the various counties; right?

11 THE WITNESS: Yes, sir.

12 THE COURT: You got the data, didn't you?  
13 Because it's public record?

14 THE WITNESS: Well, we got the contracts.

15 THE COURT: That's what I'm saying. You  
16 got the contracts. The contracts did not include the  
17 names, telephone numbers --

18 THE WITNESS: No, sir.

19 THE COURT: -- addresses? None of that  
20 data was --

21 THE WITNESS: No, sir.

22 THE COURT: But that data was accessed on  
23 Konnech's website or website that you say was set up  
24 somewhere in China. That data was accessed, wasn't  
25 it?

1 THE WITNESS: My understanding is that  
2 that is what Mike Hasson saw. Further, my  
3 understanding is that that is what Los Angeles County  
4 saw, according to the charging documents.

5 THE COURT: But you've never seen then?

6 THE WITNESS: No.

7 THE COURT: So when I'm reading to you  
8 what I read off of one of your -- Gregg and Catherine,  
9 GC, that is Gregg and Catherine; right? You are  
10 Catherine?

11 THE WITNESS: Yes. Yes, sir.

12 THE COURT: Stumbled onto voting software  
13 used -- not contracts but software -- used to  
14 coordinate elections was left with default password  
15 for database.

16 What is he talking about?

17 THE WITNESS: May I see that reference?

18 THE COURT: I can't give you my papers.  
19 This is coming from documents that have been filed in  
20 this court.

21 THE WITNESS: May I see where --

22 THE COURT: I'm reading it to you.

23 THE WITNESS: But who wrote that?

24 THE COURT: This is what was said by Gregg  
25 Phillips on the podcast, or whatever show it was;

1 whether it was, you know, the Tiger or whatever.

2 He says: Gregg and Catherine, GC,  
3 stumbled onto voting software used to coordinate --  
4 that means you got ahold of Konnech's software, didn't  
5 you? Voting software.

6 THE WITNESS: I'm so sorry. Is there any  
7 way I can look at this? What's going through my mind  
8 is Gregg wouldn't have said "Gregg and Catherine."

9 THE COURT: Do you have this quote?

10 MR. WYNNE: I have the Complaint. And I  
11 believe it's the quote to what Your Honor is  
12 referring.

13 THE COURT: What Complaint are you  
14 referring to? The plaintiff's complaint?

15 MR. WYNNE: This is the plaintiff's --

16 THE COURT: All right. Would you pass it  
17 to her and let her read it, please?

18 MR. WYNNE: Yes, Your Honor.

19 THE COURT: You see it?

20 THE WITNESS: Yes.

21 THE COURT: It says: Gregg and Catherine,  
22 GC, stumbled onto voting software used to coordinate  
23 elections, was left with default password on database.  
24 GC, that's you and Gregg, research team discovered  
25 sensitive information on election workers, et cetera,



1 on server, bank accounts info, kids' names, SSN, et  
2 cetera. GC takes to FBI. That's you and Gregg taking  
3 the information to the FBI.

4 Do you see that?

5 THE WITNESS: Yes, sir.

6 THE COURT: All right. So what is he  
7 talking about if he's not talking about having  
8 Konnech's voting software --

9 THE WITNESS: I don't -- this is a -- this  
10 is a post from a social media.

11 THE COURT: By Gregg, the man that works  
12 with you?

13 THE WITNESS: According to this, Gregg  
14 Phillips re-truthed it. So he just -- it's just kind  
15 of an automatic forward thing, but he didn't write  
16 this.

17 THE COURT: How do you know?

18 THE WITNESS: Well, because the author is  
19 someone different.

20 THE COURT: So you're saying this is a  
21 lie?

22 THE WITNESS: No, sir. I'm just --

23 THE COURT: Then why are you stumbling  
24 around trying to mislead me?

25 I asked you a different question.

1 MR. KIYONAGA: Objection.

2 THE COURT: Excuse me, take your seat and  
3 don't get up again unless you're asked to get up.  
4 This is the lawyer-in-charge and stop interfering with  
5 me asking questions --

6 MR. KIYONAGA: Your Honor, you're  
7 mischaracterizing --

8 THE COURT: Do you understand me?

9 MR. KIYONAGA: You're mischaracterizing  
10 her testimony and that is unfair.

11 THE COURT: You've had your say.

12 Take a seat. Take your seat or leave the  
13 courtroom.

14 So do you understand what is being said  
15 here?

16 THE WITNESS: Neither one of us wrote  
17 this, but --

18 THE COURT: I didn't ask you who wrote it.  
19 I asked you, do you understand what is being said?

20 THE WITNESS: I can deduce what the --  
21 what the social media post --

22 THE COURT: Whatever method you use, do  
23 you understand what is being said here?

24 THE WITNESS: I'm so sorry, I really don't  
25 understand. I mean, I understand the construction of

1 the sentences. I understand that. But I didn't write  
2 this.

3 THE COURT: Do you understand what is  
4 being said by these statements, these sentences, these  
5 comments?

6 Do you understand what information is  
7 being relayed?

8 THE WITNESS: Yes, sir. I believe so,  
9 yes, sir.

10 THE COURT: What information is being  
11 relayed, please?

12 THE WITNESS: Do you -- should I just read  
13 it?

14 THE COURT: No. I've already read it.

15 I'm asking you: What does it mean to you?  
16 What information is being relayed in your mind?

17 THE WITNESS: Well, again, it's a social  
18 media post. But it says that Gregg and Catherine --

19 THE COURT: Please don't read it.

20 THE WITNESS: I am sorry. I guess this  
21 person wrote and said -- his take on this was that it  
22 was -- that the default password was on the database  
23 sort of out of order. And then the next thing is he  
24 talks about the type of data that is what Gregg saw on  
25 the computer screen.



1 to you or relayed to you by your FBI agent?

2 THE WITNESS: I'm starting in about late  
3 April through June, there were a few conversations  
4 with the FBI agents, where they indicated that the DC  
5 office was, to use their term, just what they said was  
6 they were behaving in ways that were political, and  
7 that they weren't sure where it was going to go. This  
8 is how the conversation came up about maybe -- not  
9 maybe. But being prepared to take the nuclear option  
10 and going to the public.

11 But in the midst of that, they were still  
12 asking for us to confirm data or -- we're still  
13 working with them. It wasn't until that June or July  
14 time frame when the confidential informant status  
15 went, you know -- was removed.

16 THE COURT: You took that to mean that  
17 they were not taking you seriously, didn't you?

18 You said they're going political; meaning  
19 that that meant that they were not going to follow  
20 through because they felt what you were doing was  
21 political; right?

22 THE WITNESS: I can't really comment on  
23 what the feeling was, but I can definitely say that --  
24 that from my understanding, the special agents, both  
25 in San Antonio and Detroit and the people in

1 Washington, DC had very different approaches, and it  
2 was very troubling to the people in San Antonio and  
3 Detroit.

4 THE COURT: Troubling to you and troubling  
5 to the FBI agents who had been assisting you; right?

6 THE WITNESS: Correct.

7 THE COURT: And the FBI agents who were  
8 assisting you in Laredo and San Antonio and those  
9 areas were concerned that DC was not going to do  
10 anything about it?

11 THE WITNESS: They were concerned that DC  
12 was trying, to use their terms, making this political.  
13 And this was at the same time that -- you know, we've  
14 seen many things that tend to get very political. I'm  
15 sorry. You're right --

16 THE COURT: I'm not interested in context.  
17 I'm trying to figure out what you were meaning when  
18 you said essentially that DC is trying to make it  
19 political. That meant that they would not be  
20 favorable to you in what you were trying to do. Is  
21 that right?

22 THE WITNESS: I would say yes, that would  
23 be true.

24 REDIRECT EXAMINATION

25 BY MR. WYNNE:

1 Q. Ms. Engelbrecht, do you know whether or not  
2 there are rules and regulations governing the  
3 disclosure of confidential informants; that is,  
4 written rules of federal government agencies?

5 A. I don't know if there are written rules. I  
6 can't attest to that.

7 Q. Let's say that there are written and  
8 governing rules -- let me ask you this: Is it fair to  
9 assume that there might be governing regulation?

10 A. Oh, absolutely. I just can't tell you  
11 what -- I can't cite them. But it's always been my  
12 understanding that there is a standard that you  
13 shouldn't do this.

14 Q. If the FBI gave you assurance that you had  
15 complied with those rules and regulations, you would  
16 comply would disclosing this information to this  
17 Judge, would you be able to do it?

18 That is, if the FBI said it's okay -- I'm  
19 not going to get into the circumstances of how that  
20 happens. And if the FBI says it's okay, you're not  
21 going to stand in the way of, at least confidentially,  
22 providing that information in answering the Judge's  
23 questions?

24 A. Oh, absolutely not. I'm just fearful. I  
25 wouldn't -- if we could arrange that, that would be

1 great.

2 Q. So, if I, for instance, were able to contact  
3 the FBI, get them to say Ms. Engelbrecht would not be  
4 violating our regulations, then you would be willing  
5 to answer the Judge's question, at least  
6 confidentially?

7 A. Yeah -- ultimately, yes. I just want to make  
8 sure we're doing the right thing. But I'm very  
9 concerned about security.

10 Q. You said during the course of  
11 cross-examination -- or you referred to some texts  
12 that were in the courtroom.

13 MR. WYNNE: May I approach?

14 THE COURT: Sure.

15 BY MR. WYNNE:

16 Q. I've handed you eight pages. Are these the  
17 pages to which you were referring during  
18 cross-examination?

19 A. Yes, sir.

20 Q. Can you generally describe them to us?

21 A. Yes, sir. These are screenshots of text  
22 exchanges with several of the FBI agents that I worked  
23 with over this period of time.

24 Q. Who took the screenshots that are reflected  
25 in these eight pages?



1 A. I did.

2 Q. And did you take the shots -- screenshots  
3 contemporaneously with the time and date on which the  
4 communications took place?

5 A. I didn't take these screenshots until the end  
6 of June, when we were -- the FBI was indicating that  
7 things were worsening with Washington, DC.

8 Q. Fair enough. Let me ask you: Did you save  
9 the texts that are reflected on the eight pages of  
10 this? Did you save those texts on your phone for the  
11 time that those communications were exchanged by text  
12 message?

13 A. Yes, sir.

14 Q. Did you alter them in any way?

15 A. No, sir.

16 Q. And they were screenshots from your personal  
17 phone?

18 A. Yes, sir.

19 Q. And are you the only user of that phone?

20 A. Yes, sir.

21 Q. All right. I would like to look first at the  
22 first page, and what does this page show?

23 THE COURT: Counsel, we're not going  
24 through her messages. If these have not been turned  
25 over to counsel for the plaintiff, then they're not

1 coming into the record this way.

2 BY MR. WYNNE:

3 Q. Let me ask you this: There is two different  
4 shades -- without going into context. Two different  
5 shade reflect two different people conversing; right?

6 A. Yes. Yes, sir.

7 Q. And which is you; the darker shading or the  
8 lighter shading?

9 A. The lighter shading that is right-justified.

10 Q. And other party is the left?

11 A. Yes, sir.

12 Q. And on the left, those are all, your  
13 contention, FBI agents?

14 A. Yes, sir.

15 Q. And what is the significance -- I'll even  
16 direct you to the last page. What is the significance  
17 of these texts in communicating, as you indicated  
18 cross-examination, that you had been in conversations  
19 with the FBI? Why did you say that?

20 A. Well, I just think that many of these  
21 messages indicate my repeated attempts to confirm that  
22 the FBI had what it needed, and my belief was that  
23 that also showed that we didn't have it because we  
24 were trying to make sure they had it. And then  
25 there's some -- ones toward the end where I was trying

1 to get help.

2 Q. Is it your understanding that the names of  
3 individuals that appear on the right-justified side or  
4 are otherwise written in text and identified as FBI  
5 agents are genuine FBI agents?

6 A. I believe so. Yes, sir.

7 Q. There is person that called Bobby --

8 THE COURT: Excuse me. If these are not  
9 the persons that she was in contact with, the FBI  
10 agents, Nguyen and McKenna, or whatever his name is,  
11 we're not introducing new names here because she was  
12 given an opportunity to give the names of other  
13 persons she was involved with. And she has not done  
14 that.

15 THE WITNESS: If we could just --

16 THE COURT: Excuse me. I'm talking to  
17 your lawyer. Do you understand that?

18 MR. WYNNE: Let me -- may I ask --

19 BY MR. WYNNE:

20 Q. Did Huy Nguyen go by any other names for  
21 which you're familiar?

22 A. Bobby Nugent.

23 Q. If you were asked by the Court to go through  
24 these in detail with plaintiff's counsel, would you be  
25 willing to do that?

1           A.     Yes.

2                   MR. WYNNE:   No further questions.

3                   THE COURT:   All right.   I'm not going to  
4 permit any additional questioning unless you can tell  
5 me some good reason why we should continue this.

6                   MR. RICHARDSON:  No further questions,  
7 Your Honor.

8                   THE COURT:   I'm going to reset this matter  
9 to Monday morning at 9:00.  And here is the message,  
10 lawyers and witnesses or parties:  If I am not  
11 provided, and counsel is not provided -- you don't  
12 have to turn anything over to me confidentially.  I  
13 have the highest clearance of anybody in this country.  
14 And so you cannot ask me to agree to keep something  
15 confidential.

16                   You can work out whatever arrangements you  
17 want with counsel about confidentiality.  I put that  
18 in there to protect you, if want that protection.  But  
19 you cannot bargain with the Court by asking questions  
20 about what somebody will do; if the Court does this.

21                   What the Court is going to do, the Court  
22 is going to find that these parties are in contempt  
23 and that is what I find right now.  They're both in  
24 contempt of court, and they have until 9:00 a.m. on  
25 Monday morning to cure it.  Otherwise, they are to

1 report here, and I will have a U.S. marshal prepare to  
2 arrest them until they give up the information.

3 Understood?

4 MR. WYNNE: Absolutely, Your Honor.

5 THE COURT: All right.

6 You may step down.

7 MR. KIYONAGA: Your Honor, I'm unavailable  
8 on Monday.

9 THE COURT: I don't have a concern about  
10 that, counsel. That's not my problem. I have this  
11 lawyer and the lawyer, who he claims he is counsel of  
12 record, and that he has authority to speak. The  
13 record reflects that counsel, Mr. Akers, is still in  
14 the case, and that he represented that he is the  
15 attorney-in-charge.

16 So you're not in this at all as far as I'm  
17 concerned. If you want to show up, feel free. I have  
18 nothing at all to say to you about anything going on  
19 in this case. If they want you to ask questions, they  
20 should ask you to do that. It's not appropriate for  
21 you to jump up and just decide you going to intervene  
22 in the case.

23 Understood?

24 MR. KIYONAGA: Yes, sir.

25 THE COURT: Thank you.

1 Monday morning at 9:00, gentlemen.

2 THE LAW CLERK: All rise.

3 THE COURT: And I expect the two witnesses  
4 will return as well.

5 MR. WYNNE: They will.

6 THE COURT: Thank you.

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8 (Court adjourned)

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C E R T I F I C A T E

I hereby certify that pursuant to Title 28, Section 753 United States Code, the foregoing is a true and correct transcript of the stenographically reported proceedings in the above matter.

Certified on October 30, 2022.

/s/ Nichole Forrest  
Nichole Forrest, RDR, CRR, CRC

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