

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:21-cv-3440

ERIC COOMER, Ph.D.,

Plaintiff

v.

MAKE YOUR LIFE EPIC LLC dba THRIVETIME SHOW and
CLAYTON THOMAS CLARK, individually,

Defendants

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Plaintiff Eric Coomer, Ph.D. (Dr. Coomer), by and through undersigned counsel, brings this defamation action against Defendants Make Your Life Epic LLC dba ThriveTime Show (ThriveTime) and Clayton Thomas Clark (Clark, and together with ThriveTime, Defendants).

I. INTRODUCTION

1. This case is about a relentless defamation campaign against Dr. Coomer perpetrated by Clay Clark's ReAwaken America Tour, Clay Clark's ThriveTime, and by Clark himself. Through their traveling tour and series of nationally published interviews, Defendants have monetized a false election fraud narrative and promoted a constant drumbeat of outright falsehoods intended to place Dr. Coomer at the center of an imagined conspiracy to defraud the American people.

2. The ReAwaken America Tour travels the country, typically performing in a new city every month. Both at its live shows and through its livestreaming of those shows to a national audience, the ReAwaken America Tour and its founder, Clark, regularly publish lies about Plaintiff Dr. Eric Coomer, and falsely accuse him of criminal conduct on a historically unprecedented scale. These lies all originate with a baseless and repeatedly debunked conspiracy theory invented by Colorado podcaster and conspiracy theorist Joe Oltmann (Oltmann).

3. Clark and ThriveTime began publishing and subscribing to Oltmann's bizarre and implausible claims in a podcast interview conducted with Oltmann on December 22, 2020, which Defendants published with the title "Exposing the Treasonous Eric Coomer the ANTIFA Member and the Director of Strategy and Security at DOMINION Voting Systems." During the interview, Clark and ThriveTime accused Dr. Coomer of committing treason and endorsed Oltmann's claims that Dr. Coomer could/should be put to death for the crime they falsely claimed he had committed. Clark went on to monetize Oltmann's baseless claims by founding the ReAwaken America Tour, which tours the country selling \$250 tickets to conferences promoting election fraud lies, including Oltmann's lies about Dr. Coomer.

4. The original Oltmann lie about Dr. Coomer began days after the November 2020 presidential election when Oltmann claimed to have suddenly recalled "infiltrating" an "Antifa conference call" at some unidentified date months prior. Oltmann claimed that on that call he overheard an unknown and unidentified third party refer to another unknown and unidentified third party as "Eric," who another unknown

and unidentified third party then referred to as “the Dominion guy.” Oltmann claimed the anonymous “Eric” boasted on that call that former president Trump would not win the election, and that he had made sure of it. Oltmann then claimed to have identified Plaintiff Dr. Eric Coomer, who is the former Director of Product Strategy and Security for Dominion Voting Systems, as the anonymous “Eric” on the supposed call by Googling “Eric Dominion Denver Colorado.” Oltmann has gone on to claim, without any evidence whatsoever, that Dr. Coomer did in fact rig the election. On the basis of this far-fetched and unsubstantiated tale, Clark and ThriveTime labeled Dr. Coomer a traitor, accused him of treason, and published claims that Dr. Coomer had committed a capital offense.

5. Oltmann’s claims are all outright and unequivocal falsehoods. Dr. Coomer did not participate in an “Antifa conference call.”¹ He did not claim on any call to have rigged the election. And he did not rig the election.

6. In order to expose the truth and attempt to reclaim his reputation, Dr. Coomer has filed multiple lawsuits² against a variety of local and national individuals and entities who have spread and profited off of the dissemination of Oltmann’s lies. While still in their infancy, those lawsuits have already confirmed through document production, sworn testimony, and expert reports that Oltmann has no evidence

¹ To be clear, Dr. Coomer’s denial of any involvement in an “Antifa” conference call includes any and all potential permutations of the amorphous term “Antifa,” and must be understood to include any call with any political organization, any group of political activists or individuals, any left-leaning activists or individuals, any Black Lives Matter activists, individuals, or organizations, and any other call of any sort whatsoever. Dr. Coomer has never partaken in any call of any nature wherein he or any other call participant claimed to have taken any steps whatsoever to alter or otherwise manipulate the results of the 2020 election.

² See *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319 (filed Dec. 22, 2020); see also *Coomer v. Salem Media of Colorado Inc., et. al.*, Denver District Court Case No. 2021CV33632 (filed Nov. 13, 2021).

whatsoever for any of his false claims against Dr. Coomer and that the accusations against Dr. Coomer are so extreme and farfetched as to be facially absurd and inherently improbable.

7. Despite these widely publicized developments, Defendants have persisted in promoting, publishing, and profiting off of publishing Oltmann's lies to a national audience. The traveling "Clay Clark's ReAwaken America Tour," which, upon information and belief, is operated by Defendant Make Your Life Epic LLC dba ThriveTime Show, livestreams all of its tour events online to a national and potentially international audience. In addition to Oltmann, the Tour features a variety of QAnon promoters, vaccine skeptics, election fraud conspiracy theorists, conservative political activists, and others. Oltmann's appearances onstage are regularly devoted to defaming Dr. Coomer, spreading falsehoods about the 2020 election, and issuing calls for political violence. In addition to the monthly tour events, including a recent tour event in Colorado Springs, Colorado, Defendants ThriveTime and Clark have also published multiple interviews spreading falsehoods about Dr. Coomer, and have promoted those falsehoods across multiple social media platforms.

8. The damage caused to Dr. Coomer by Defendants' conduct is immense. After more than fifteen years as a respected professional at the top of his field, Dr. Coomer's reputation has been irreparably tarnished. He can no longer work in the elections industry on account of the unwarranted distrust inspired by Defendants' lies, and instead now endures frequent credible death threats and the burden of being made the face of an imagined criminal conspiracy of unprecedented scope in American history.

II. PARTIES

9. Plaintiff Eric Coomer, Ph.D. (Dr. Coomer) is an individual resident of Colorado who may be contacted c/o Cain & Skarnulis PLLC, P. O. Box 1064, Salida, Colorado 81201.

10. Defendant Make Your Life Epic LLC dba ThriveTime Show is a limited liability company organized and existing under the laws of Oklahoma. ThriveTime broadcasts its podcasts to a national audience on its own website, as well as through a variety of podcast hosting services. On information and belief, ThriveTime owns and operates the ReAwaken America Tour, which it both broadcasts live online and publishes across multiple online platforms. The ReAwaken America Tour travels and performs nationally, including a show in Colorado Springs, Colorado, on or about September 24-25, 2021. ThriveTime is independently liable for its own tortious conduct, and vicariously liable for the conduct of Defendant Clark, who at all times relevant was acting as an agent and representative of Make Your Life Epic LLC dba ThriveTime Show. ThriveTime may be served with process through its registered agent, Vanessa Clark, at 513 East New Orleans Street, Broken Arrow, Oklahoma 74011.

11. Defendant Clayton Thomas Clark is an individual resident of Oklahoma. Clark is the host of the ThriveTime Show and the founder of the ReAwaken America Tour, and, in those roles, he has published and sponsored defamatory statements directed at Colorado audiences and made defamatory statements directly to a live Colorado audience in Colorado Springs. Upon information and belief, all or part of the revenue derived from “Clay Clark’s ReAwaken America Tour” (or its other permutations, including but not

limited to “Clay Clark’s Health and Freedom Conference 2021” and “Clay Clark’s ReOpen America Tour”) is remitted to Clark or to an entity under his supervision or control. Clark may be served with process at 513 East New Orleans Street, Broken Arrow, Oklahoma 74011.

III. JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. This Court has personal jurisdiction over Defendants pursuant to C.R.S. § 13-1-124 because Defendants transacted business in Colorado and committed tortious acts within Colorado.

14. Specifically, this Court has personal jurisdiction over ThriveTime as it committed tortious acts against a resident of the state of Colorado giving rise to this cause of action. ThriveTime had the knowledge and intent that: the effects of its actions would be felt in the state of Colorado; the injury would occur in Colorado; and that its defamatory messages would be directed at Colorado. *See Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 776-81 (1984). ThriveTime derived its defamatory statements from Coloradan sources.³ The subject of those statements concerned a Colorado resident and that resident’s work and employment for a business based in

³ ThriveTime knowingly relied on Oltmann as its source for its false statements; specifically identified Oltmann as a Denver, Colorado businessman within its statements; and derived those statements from information Oltmann allegedly gained while in Colorado. *See infra* at ¶¶ 29-30, 33-36, 47-73.

Colorado, making Colorado an integral focal point for its defamatory statements.⁴ *See Calder v. Jones*, 465 U.S. 783, 788-89 (1984); *see also Keeton*, 465 U.S. at 780 (recognizing a plaintiff’s residence may be relevant to the jurisdictional inquiry as it “may be the focus of the activities of the defendant out of which the suit arises”). ThriveTime purposefully sought a national audience and directed promotional materials for its event in Colorado to Colorado and Coloradan audiences for circulation, which are received by Coloradan audiences.⁵ *See Keeton*, 465 U.S. at 776-81 (finding “libel is generally held to occur wherever the offending material is circulated” and a defendant continuously and deliberately exploiting a market “must reasonably anticipate being haled into court there in a libel action”). Similarly, ThriveTime travelled to Colorado and made defamatory statements about Dr. Coomer from within Colorado, including to live Colorado audiences and during its Colorado Springs event on September 24-25, 2021.

15. This Court may exercise personal jurisdiction over Clark as he committed tortious acts against a resident of the state of Colorado giving rise to this cause of action. Clark had the knowledge and intent that: the effects of its actions would be felt in the state of Colorado; the injury would occur in Colorado; and that its defamatory messages would be directed at Colorado. *See Keeton*, 465 U.S. at 776-81. Clark derived his defamatory

⁴ ThriveTime knowingly relied on Dr. Coomer, a Colorado resident, and Dominion, a business based in Colorado, and alleged actions and events taken in Colorado as the subject of its false statements. *See infra* at ¶¶ 29-30, 33-36, 47-73.

⁵ ThriveTime knowingly published its statements using national platforms and broadcasts that purposefully direct their statements into the state of Colorado and to Coloradan audiences. ThriveTime intended to reach every citizen in the United States and purposefully sought this national audience, which included Colorado and Coloradan audiences. *See infra* at ¶¶ 44, 65-66.

statements from Coloradan sources.⁶ The subject of those statements concerned a Colorado resident and that resident's work and employment for a business based in Colorado, making Colorado an integral focal point for its defamatory statements.⁷ *See Calder*, 465 U.S. at 788-89; *see also Keeton*, 465 U.S. at 780. Clark purposefully sought a national audience and directed promotional materials for his event in Colorado to Colorado and Coloradan audiences for circulation, which were received by Coloradan audiences.⁸ *See Keeton*, 465 U.S. at 776-81.”). Similarly, Clark traveled to Colorado and made defamatory statements about Dr. Coomer from within Colorado, including to live Colorado audiences and during his appearance with ThriveTime's Colorado Springs event on September 24-25, 2021.

16. Requiring Defendants to litigate these claims in Colorado does not offend traditional notions of fair play and substantial justice and is permitted by the Due Process Clause of the United States Constitution. Dr. Coomer's claims arise from defamatory statements Defendants not only published in Colorado but specifically traveled to Colorado to publish. Jurisdiction in Colorado provides for the efficient resolution of the claims herein.

⁶ Clark knowingly relied on Oltmann as its source for its false statements; specifically identified Oltmann as a Denver, Colorado businessman within its statements; and derived those statements from information Oltmann allegedly gained while in Colorado. *See infra* at ¶¶ 29-30, 33-36, 47-73.

⁷ Clark knowingly relied on Dr. Coomer, a Colorado resident, and Dominion, a business based in Colorado, and alleged actions and events taken in Colorado as the subject of its false statements. *See infra* at ¶¶ 29-30, 33-36, 48-74.

⁸ Clark knowingly published its statements using national platforms and broadcasts that purposefully direct their statements into the state of Colorado and to Coloradan audiences. ThriveTime intended to reach every citizen in the United States and purposefully sought this national audience, which included Colorado and Coloradan audiences. *See infra* at ¶¶ 44, 65-66.

17. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to the claims in this Complaint occurred in Colorado, were directed at Colorado and specifically at Denver, Colorado, and were felt in Colorado and specifically in Denver, Colorado, and because Defendants are subject to the Court's personal jurisdiction in Colorado.

IV. FACTS

18. Plaintiff Dr. Coomer is the former Director of Product Strategy and Security for Dominion Voting Systems. Dominion is based in Denver, Colorado, and provides election support services across the United States, including from initial project implementation through election set-up, ballot layout, multiple language audio, machine set-up, and system testing. Dominion provided election related services to at least thirty different states during the 2020 presidential election.

A. The 2020 presidential election was a free and fair election.

19. The 2020 presidential election results have been verified by numerous independent entities, including government officials and agencies. State elections officials tasked with verifying the election and vote counts certified the election results across all 50 states and the District of Columbia.⁹ Electors met and formally cast their ballots with President Joe Biden securing 306 electoral votes and winning the popular vote by more than seven million votes.¹⁰ Despite incited violence, Congress formally

⁹ See Maggie Astor, et al., *Biden Secures Enough Electors to Be President*, N.Y. TIMES, Dec. 9, 2020, <https://www.nytimes.com/interactive/2020/11/20/us/politics/2020-election-certification-tracker.html> (“Election results have now been certified in all 50 states and Washington, D.C.”).

¹⁰ See Nick Corasaniti, et. al., *Electoral College Vote Officially Affirms Biden's Victory*, N.Y. TIMES, Dec. 14, 2020, <https://www.nytimes.com/2020/12/14/us/politics/biden-electoral-college.html>

counted the electoral votes, and former Vice President Mike Pence declared Joe Biden the winner of the presidential election.¹¹

20. On November 12, 2020, the Cybersecurity & Infrastructure Security Agency (CISA), a standalone United States federal agency under the Department of Homeland Security, issued a Joint Statement from the Elections Infrastructure Government Coordinating Council and the Elections Infrastructure Sector Coordinating Executive Committees stating:

The November 3rd election was the most secure in American history. Right now, across the country, election officials are reviewing and double checking the entire election process prior to finalizing the result.

When states have close elections, many will recount ballots. All of the states with close results in the 2020 presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary. This is an added benefit for security and resilience. This process allows for the identification and correction of any mistakes or errors. **There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.**

Other security measures like pre-election testing, state certification of voting equipment, and the U.S. Election Assistance Commission's (EAC) certification of voting equipment help to build additional confidence in the voting systems used in 2020.

While we know there are many unfounded claims and opportunities for misinformation about the process of our elections, we can assure you we have the utmost confidence in the security and integrity of our elections, and you should too. When you have questions, turn to elections officials as trusted voices as they administer elections.¹²

¹¹ See John Wagner, et al., *Pence declares Biden winner of presidential election after Congress finally counts electoral votes*, WASH. POST, Jan. 7, 2021, <https://www.washingtonpost.com/politics/2021/01/06/congress-electoral-college-vote-live-updates/>.

¹² CISA, *Joint Statement from Elections Infrastructure Gov't Coordinating Council & the Election Infrastructure Sector Coordinative Exec. Comms.*, Nov. 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election> (emphasis in original).

21. Former Director of CISA, Chris Krebs, after his dismissal by President Trump, acknowledged that states had transitioned to auditable voting systems with paper-based ballots that could be recounted, independent of any allegedly hacked software or hardware.¹³ Krebs explained that these paper ballots, when paired with state post-election checks, ensured the accuracy of the voting counts. Such post-election checks were utilized with recounts in Georgia and Wisconsin, which affirmed the election results.¹⁴

22. On November 16, 2020, 59 of the top computer scientists and election security experts in the country issued a joint letter affirming that no election manipulation had occurred, stating, “To our collective knowledge, no credible evidence has been put forth that supports a conclusion that the 2020 election outcome in any state has been altered through technical compromise.” They went on to note that, “Anyone asserting that a U.S. election was ‘rigged’ is making an extraordinary claim, one that must be supported by persuasive and verifiable evidence.”¹⁵

¹³ Chris Krebs, *Trump fired me for saying this, but I’ll say it again: The Election wasn’t rigged*, WASH. POST, Dec. 1, 2020, https://www.washingtonpost.com/opinions/christopher-krebs-trump-election-wasnt-hacked/2020/12/01/88da94a0-340f-11eb-8d38-6aea1adb3839_story.html.

¹⁴ Scott Bauer, *Wisconsin certifies Joe Biden as winner following recount*, AP, Nov. 30, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-wisconsin-lawsuits-2e9cf60550f519537d31b6b71aa32c3c>; Kate Brumback, *Georgia again certifies election results showing Biden won*, AP, Dec. 7, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eeea3b24f10de886bcdeab6c26b680a>.

¹⁵ Nicole Perlroth, *Election Security Experts Contradict Trump’s Voting Claims*, N.Y. TIMES, Nov. 16, 2020, <https://www.nytimes.com/2020/11/16/business/election-security-letter-trump.html>.

23. On December 1, 2020, then U.S. Attorney General William Barr confirmed “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.”¹⁶

24. Over 60 separate lawsuits brought by President Trump’s campaign and its supporters across the country attempting to challenge the legitimacy of the election results have failed.¹⁷ With these, courts have rejected baseless allegations of widespread voter fraud raised to overcome the election results.¹⁸ Notably in one case, the Court in the United States District Court for the Middle District of Pennsylvania rendered an opinion stating:

One might expect that when seeking [to disenfranchise almost seven million voters], a plaintiff would come formidably armed with compelling legal arguments and factual proof of rampant corruption, such that this Court would have no option but to regrettably grant the proposed injunctive relief despite the impact it would have on such a large group of citizens.

That has not happened. Instead, this Court has been presented with strained legal arguments without merit and speculative accusations, unpled in the operative complaint and unsupported by evidence.

¹⁶ Michael Balsamo, *Disputing Trump, Barr says no widespread election fraud*, AP, Dec. 1, 2020, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

¹⁷ Rosalind S. Helderman, et al., *‘The last wall’: How dozens of judges across the political spectrum rejected Trump’s efforts to overturn the election*, WASH. POST, Dec. 12, 2020, https://www.washingtonpost.com/politics/judges-trump-election-lawsuits/2020/12/12/e3a57224-3a72-11eb-98c4-25dc9f4987e8_story.html; William Cummings, et al., *By the numbers: President Donald Trump’s failed efforts to overturn the election*, USA TODAY, Jan. 6, 2021, <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/> (“Out of the 62 lawsuits filed challenging the presidential election, 61 have failed”).

¹⁸ See e.g., *Bowyer, et al., v. Ducey, et al.*, No. 2:20-cv-02321-DJH (D. Ariz.) at Dkt. No. 84, p.28 (concluding “[n]ot only have Plaintiffs failed to provide the Court with factual support for their extraordinary claims, but they have wholly failed to establish that they have standing for the Court to consider them. Allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court.”).

Donald J. Trump for President, Inc., et al. v. Boockvar, et al., No. 4:20-cv-02078-MWB, at Dkt. No. 202, p.2 (M.D. PA. Nov. 21, 2020). In review of this opinion, Judge Bibas, writing the Third Circuit’s unanimous opinion on November 27, 2020, summarized the Court’s ruling as follows:

Free, fair elections are the lifeblood of our democracy. Charges of unfairness are serious. But calling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.

Donald J. Trump for President, Inc., et al. v. Sec’y Commonwealth of Pennsylvania, et al., No. 20-3371, * 2 (3rd Cir. Nov. 27, 2020).

25. Courts have already acted against some of those most responsible for spreading post-election falsehoods, including those about Dr. Coomer. For example, Rudy Giuliani¹⁹ has had his license to practice law suspended in New York. The Attorney Grievance Committee there found that “there is uncontroverted evidence that respondent communicated demonstrably false and misleading statements to courts, lawmakers, and the public at large in his capacity as lawyer for former President Donald and the Trump Campaign.” It concluded that “[Giuliani’s] conduct immediately threatens the public interest and warrants interim suspension from the practice of law.”²⁰ Similarly, the United States District Court for the Eastern District of Michigan recently ordered

¹⁹ Rudy Giuliani is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et al.*, Denver District Court Case No. 2020CV34319.

²⁰ *In re Matter of Giuliani*, Supreme Court of the State of New York Appellate Division, Case No. 2021-00506, at 1, [https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20\(2021-00506\)%20PC.pdf](https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20(2021-00506)%20PC.pdf).

sanctions against Sidney Powell,²¹ who had relied on Oltmann in making false allegations against Dr. Coomer in the complaint she filed in the Eastern District of Michigan. In ordering sanctions against Powell, the Court described the lawsuit as “a historic and profound abuse of the judicial process” and concluded that the “attorneys have scorned their oath, flouted the rules, and attempted to undermine the integrity of the judiciary along the way.”²²

26. Numerous investigations and subsequent audits have served to confirm the legitimacy of the election results, and to reaffirm that President Biden was duly elected to office and that the vote counts were not manipulated. The Republican-led Michigan Senate Oversight Committee, for example, issued a “Report on the November 2020 Election in Michigan” on June 23, 2021, wherein they examined various claims of voter fraud. The Committee found no basis for claims by former President Trump and his allies that there was widespread voter fraud in the 2020 election.²³ Similarly, a months-long Republican-led “full forensic audit” of election results in Maricopa County, Arizona, confirmed President Biden’s win, and in fact discovered that Biden had won by more votes than previously reported.²⁴

²¹ Sidney Powell and Sidney Powell P.C. are defendants in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

²² *King v. Whitmer*, Case No. 20-13134, (E.D. Mich. Aug. 25, 2021), https://storage.courtlistener.com/recap/gov.uscourts.mied.350905/gov.uscourts.mied.350905.172.0_3.pdf.

²³ Clare Hendrickson and Dave Boucher, *Michigan Republican-led investigation rejects Trump’s claim that Nov. 3 election was stolen*, DETROIT FREE PRESS, June 23, 2021, <https://www.freep.com/story/news/politics/elections/2021/06/23/michigan-senate-investigation-election-trump/5035244001/>.

²⁴ David Schwartz and Nathan Layne, *‘Truth is truth’: Trump dealt blow as Republican-led Arizona audit reaffirms Biden win*, REUTERS, Sept. 27, 2021, <https://www.reuters.com/world/us/arizona-republicans-release-findings-widely-panned-election-audit-2021-09-24/>.

27. Dr. Coomer’s former employer, Dominion Voting Systems, also published a lengthy FAQ section on its website in the days following the 2020 presidential election, which systematically addressed and debunked the numerous conspiracy theories being directed at the Denver-based company and its employees. These thorough rebuttals were and remain easily accessible on Dominion’s website.²⁵

B. Oltmann fabricated a conspiracy.²⁶

28. Oltmann is a political activist and supporter of President Trump with ambitions of creating a political movement.²⁷ Oltmann formed a nonprofit organization, FEC United, allegedly to restore and secure constitutional protections he perceived as under attack, which includes a paramilitary civilian defense group.²⁸ FEC United has hosted rallies for armed civilians to gather, as well as political events on behalf of the

²⁵ See <https://www.dominionvoting.com/setting-the-record-straight/> (last visited Dec. 21, 2021).

²⁶ Oltmann and his related entities, FEC United and Shuffling Madness Media, Inc. dba Conservative Daily are defendants in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

²⁷ See Joseph Oltmann (@Joeoltmann), PARLER (Dec. 2, 2020) (In response to lawsuits brought by President Trump, “[w]e do this without the weak ass Republican traitors.”); (Dec. 4, 2020) (“It’s time we turn out the corrupt government and weaponized media and tech companies. This is our country . . . #reckoning #ericcoomerisatraitor #dominionvotingsystems); (Dec. 6, 2020) (“I will love my neighbors after I beat their ass and stop this evil indoctrination and cancer on our community . . . I punched one of these asshats in the face and defended our country”); (Dec. 7, 2020) (“I am angry we are where we are and we allowed the loony left to even get their claws of deceit and despair into the fiber of our country. I am disappointed we let the evil left remove God from our schools and communities without a bigger fight . . . Pray for our country. Pray for our President. Pray for our leaders that they can have courage. Pray for the warriors of our nation that will stand up for you. God bless you all. We will not surrender and we will never retreat.”); (Dec. 10, 2020) (“Pray for our country and that our Supreme Court has the courage to reject the evil we face.”); (Dec. 12, 2020) (“Now we got to war as the people . . . the deep state runs deep. Evil at work . . .”).

²⁸ See FEC United, *Defend the American Way of Life*, <https://fecunited.com> (last visited Nov. 12, 2021); United American Defense Fund, *Defend and Protect What Is Ours*, <https://fecunited.com/uadf/> (last visited Nov. 12, 2021).

Colorado Republican Party and the Trump Campaign.²⁹ By way of example, FEC United reportedly solicited its members to sign up for the “Army for Trump” poll watcher program before the election, claiming that “Democrats have been actively stacking the poll-watching positions with their own people, and this will only contribute to the fraud . . . Join Our Election Day Team!”³⁰ Oltmann served as a co-host of the Conservative Daily podcast (under the pseudonym Joe Otto for many years prior to his claims about Dr. Coomer) with videos also posted on Conservative Daily’s YouTube channel.

29. After the results of the election were called for President Joe Biden, Oltmann co-hosted a Conservative Daily podcast on November 9, 2020, which served as the genesis for his false claims about Dr. Coomer.³¹ On that podcast, he alleged to have learned almost two months earlier of a conspiracy to elect the president of the United States. Oltmann claimed he gained this information after infiltrating Antifa. Despite his interest in the election and prolific podcasting schedule, Oltmann apparently took no action at that time to report this alleged threat to democracy.³² Oltmann began this podcast, saying:

Let’s not sugar coat this, we’re going to expose someone inside of Dominion Voting Systems specifically related to Antifa and related to someone that is so far left and is controlling the elections, and his fingerprints are in every state. So I want you guys to understand that what we’re about to show you,

²⁹ See Erik Maulbetsch, *Conservative Group Behind the Deadly “Patriot Muster” Rally Working Closely With Colorado GOP*, COLO. TIMES RECORDER, Oct. 12, 2020, <https://coloradotimesrecorder.com/2020/10/conservative-group-behind-deadly-patriot-muster-rally-working-closely-with-colorado-gop/31445/>.

³⁰ See *id.*

³¹ Joseph Oltmann, et al., *Ep. 196—Dominion Voting Systems*, CONSERVATIVE DAILY PODCAST, Nov. 9, 2020.

³² The *Conservative Daily* podcast posted fifty podcasts from September 1, 2020 to November 9, 2020. See *id.*; see also Joseph Oltmann, et al., *Ep. 146—Someone Stole My Trump Sign (And I’m Pissed)*, CONSERVATIVE DAILY PODCAST (Sept. 1, 2020).

you have to share . . . The conversation will be about a man named Eric Coomer. C-O-O-M-E-R.

Oltmann then posted a photo of Dr. Coomer’s face. Oltmann explained he had allegedly “infiltrated an Antifa conference call” sometime in late September with unknown and unverified participants. Oltmann claimed while on this purported call one of these unknown participants was referred to as “Eric” and another allegedly explained “Eric is the Dominion guy.” Oltmann claimed when another unknown participant asked, “What are we gonna do if f-ing Trump wins?” the unknown “Eric” responded, which Oltmann paraphrased as, “Don’t worry about the election, Trump is not gonna win. I made f-ing sure of that. Hahahaha.” Afterward, Oltmann’s alleged efforts to identify the unknown speakers of this purported call were limited to googling “Eric,” “Dominion,” and “Denver, Colorado.”³³ With this, Oltmann claimed he identified Dr. Coomer and Dominion Voting Systems, Inc.³⁴ At no point has Oltmann contacted Dr. Coomer to confirm his involvement in this purported call.

30. Only after President Trump had lost the presidential election did Oltmann allegedly remember Dr. Coomer and take steps to target him. Oltmann had conceived a storyline about the election—that its results were fraudulent—and consciously set out to

³³ In a subsequent interview, Oltmann explained, “So it was really simple. This is what I did, right. I put in ‘Eric,’ into google search, ‘Eric,’ ‘Dominion,’ ‘Denver, Colorado.’ Not very clever, right?” See Michelle Malkin, *#MalkinLive: U.S. Elections*, YOUTUBE (Nov. 13, 2020).

³⁴ Oltmann provides no explanation for how he understood “Dominion” to mean “Dominion Voting Systems, Inc.” and not any of the number of other Dominion-named businesses and locations in Colorado, including, but not limited to: Old Dominion Freight Line; Dominion Life Church; Dominion Realty Group; Dominion Water & Sanitation District; either of the two Dominion Towers constituting Dominion Plaza; Dominion Mortgage; and Dominion Carpet Cleaning Inc.

establish that Dr. Coomer perpetuated this fraud.³⁵ This included accessing Dr. Coomer’s private Facebook profile. Despite no credible evidence of Dr. Coomer’s involvement in the purported “Antifa Conference Call” (or Zoom meeting), Oltmann used posts on Dr. Coomer’s Facebook profile that were critical of President Trump to allege he was the anonymous “Eric.” Oltmann also used Dr. Coomer’s position and employment with Dominion to allege Dr. Coomer was a key figure in a high-level conspiracy to rig the election against President Trump.³⁶ These statements are baseless and unequivocally false. Dr. Coomer has no knowledge of this alleged Antifa conference call; Dr. Coomer did not participate in such an alleged call; Dr. Coomer did not make the comments

³⁵ Oltmann has a history of advancing varying allegations of voter fraud to support his political beliefs and his preferred candidates as well as to promote himself and his businesses interests. *See e.g.*, Erik Maulbetsch, *Conservative Group Behind the Deadly “Patriot Muster Rally Working Closely With Colorado GOP*, COLO. TIMES RECORDER, Oct. 12, 2020 (FEC United alleging election fraud); Joseph Oltmann, et al., *Ep. 151–Voter Fraud is Real*, CONSERVATIVE DAILY PODCAST (Sept. 9, 2020) (separate allegations of election fraud); *Ep. 126–GOP Caving to Pelosi’s Cheat-By-Mail Demands*, CONSERVATIVE DAILY PODCAST (Aug. 5, 2020) (separate allegations of election fraud). Shortly after the election, Oltmann’s baseless allegations of fraud continued to evolve across various theories until coalescing into his false statements against Dr. Coomer. *Compare* Joseph Oltmann, et al., *Ep. 193–Democrats Just Got Caught*, CONSERVATIVE DAILY PODCAST (Nov. 5, 2020) (separate allegations of election fraud), *Ep. 194–How Democrats Stole It*, CONSERVATIVE DAILY PODCAST (Nov. 6, 2020) (separate allegations of election fraud), and *Ep. 194–How Democrats Stole It (Part 2)*, CONSERVATIVE DAILY PODCAST (Nov. 6, 2020) (separate allegations of election fraud), *with Ep.196–Dominion Voting Systems*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (“we’re doing a deep dive on Dominion Voting Systems, all the stuff we’re seeing with Scorecard, with Hammer, big tech as a whole.”). Oltmann ultimately utilized these false allegations for personal gain. On November 5, 2020, the Conservative Daily podcast informed its viewers it was the “#119 most popular political podcast in America,” on November 6, 2020 it informed them it was then the “#108 most popular political podcast,” on November 9, 2020 it was “#66,” on November 10, 2020 it was “#62,” November 14, 2020 it was “#53,” on November 19, 2020 it was “#28,” on December 2, 2020 it was “#8.”

³⁶ *See* Joe Oltmann, *Dominion, Big Tech, and How They Stole It*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (“It’s not admitting it’s vulnerable, it’s actually creating the vulnerability so that it can actually be manipulated, and that’s what’s happened here, Max. That’s what’s happened here. You have a guy that literally is a fanatic. He’s on calls, he’s taking time in the middle of an election season to get on a call. Three weeks before an election. Three weeks before the election! He’s getting on the phone and he’s saying very clearly that ‘I have it handled.’ And he runs product strategy and security. We’re not talking about someone that is at a low level, that has an opportunity to just - He’s in everywhere you look!”).

Oltmann alleged were made; and Dr. Coomer did not take steps to subvert the results of the presidential election.

31. In reality, Dr. Coomer, like many, had a private Facebook page that he shared with approximately 300 friends. He shared political views and was critical of President Trump. He shared satire that Oltmann intentionally disregarded and held out as true. None of it was public. It remains unclear how Oltmann obtained possession of it as he has refused to disclose his source despite a prior court order to do so.

32. More importantly, Dr. Coomer's professional life was separate from his personal political opinion. Dr. Coomer did not participate in political groups and did not donate to campaigns. Dr. Coomer worked with elections officials—Republican, Democratic, and independent—across the country to make sure the process was safe, secure, and fair. The ability to have a political opinion in this country is a protected right. It remains a protected right, even if critical of a sitting president. That criticism does not denote conspiracy or fraud.

C. *Oltmann spreads the conspiracy theory.*

33. Oltmann began spreading his baseless allegations.³⁷ Throughout November 2020, Oltmann did numerous interviews with various conservative pundits, media personalities, and elected officials. For example, on November 13, 2020, Oltmann did an interview with Michelle Malkin³⁸ on her livestream #MalkinLive, where he

³⁷ On December 6, 2020 alone, Oltmann claimed he had “been busy doing 15 interviews in the last 2 days.” See Joseph Oltmann (@Joeoltmann), PARLER (Dec. 6, 2020).

³⁸ Michelle Malkin is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

repeated his false allegations that Dr. Coomer had participated in an Antifa conference call, that he claimed on that call that he had rigged the election, and that he did in fact rig the election. Oltmann claimed that “the treason is punishable by death” and encouraged Dr. Coomer to turn himself in to the Department of Justice. He went on to give interviews to James Hoft³⁹ of the right-wing blog The Gateway Pundit,⁴⁰ Chanel Rion⁴¹ of One America News Network (OAN),⁴² nationally syndicated radio host Eric Metaxas,⁴³ and on Michelle Malkin’s Newsmax⁴⁴ program “Sovereign Nation.” At the same time, Oltmann was appearing regularly as a guest on various Denver based talk radio shows, including Colorado Republican National Committeeman Randy Corporon’s⁴⁵ Denver based radio program Wake Up with Randy Corporon on 710 KNUS.⁴⁶

³⁹ James Hoft is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴⁰ TGP Communications LLC dba The Gateway Pundit is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴¹ Chanel Rion is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴² Herring Networks Inc. dba One America News Network is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴³ Eric Metaxas is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴⁴ Newsmax was a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319. Newsmax settled and issued a public apology to Dr. Coomer and a retraction of its coverage of Oltmann’s false claims on April 30, 2021, and was dismissed from this lawsuit.

⁴⁵ Randy Corporon is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Nov. 13, 2021, *Coomer v. Salem Media of Colorado Inc., et. al.*, Denver District Court Case No. 2021CV33632.

⁴⁶ Salem Media of Colorado, Inc., owns 710 KNUS and is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Nov. 13, 2021, *Coomer v. Salem Media of Colorado Inc., et. al.*, Denver District Court Case No. 2021CV33632.

34. Oltmann was also promoting his false claims about Dr. Coomer to former President Trump's⁴⁷ legal team, including Rudy Giuliani and Sidney Powell. Both Giuliani and Powell would go on to specifically name Dr. Coomer during a November 19, 2020 press conference. Both Powell and Giuliani repeated Oltmann's false claims about Dr. Coomer, alongside other bizarre and false assertions about the election, including claims that Dominion Voting Systems was founded in Venezuela by Hugo Chavez to steal elections.

35. Throughout this time, Oltmann continued to grow more extreme in his rhetoric and conduct. He began discussing Dr. Coomer on his podcast, "Conservative Daily," on a practically daily basis. On November 16, 2020, he described calling Dr. Coomer's friends and threatening them with doxing and harassment if they didn't provide him with harmful information about Dr. Coomer.⁴⁸ On December 5, 2020, he posted a photo of Dr. Coomer's house to his thousands of social media followers, stating, "Blow this shit up. Share, put his name everywhere. No rest for this shitbag. Eric Coomer, Eric Coomer, Eric Coomer. This shitbag and the corrupt asshats in Dominion Voting Systems must not steal our election and our country! Eric we are watching you"⁴⁹ On

⁴⁷ Donald J. Trump for President, Inc. is a defendant in a separate defamation lawsuit filed by Dr. Coomer on Dec. 22, 2020, *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319.

⁴⁸ See Jim Hoft, *Denver Business Owner: Dominion's Eric Coomer is an Unhinged Sociopath – His Internet Profile is Being Deleted and Erased (AUDIO)*, THE GATEWAY PUNDIT, (Nov. 16, 2020) (Audio interview wherein Oltmann claimed he called Dr. Coomer's friend and threatened that he would "be the next person that [Oltmann] put[s] on Twitter" if he hung up the phone.)

⁴⁹ See Joseph Oltmann (@Joeoltmann), PARLER, (Dec. 6, 2020)

December 14, 2020, he admitted to having Dr. Coomer surveilled, claiming that he had people watching Dr. Coomer's every move and following him everywhere he went.⁵⁰

36. This alarming conduct did not deter Clay Clark, however, who still invited Oltmann onto his podcast the ThriveTime Show on December 22, 2020, where he provided his national platform for Oltmann to continue spreading his false and dangerous claims about Dr. Coomer.

37. Oltmann's response to the continuing erosion of his credibility and the increasing costs of litigating his baseless defense has been to become increasingly volatile and belligerent. In addition to repeatedly asserting that Dr. Coomer can and should be put to death for treason, Oltmann has also called for his perceived enemies to be hanged "two inches off the ground, so they choke to death."⁵¹ He has called for mass executions of his political opponents, who he deems "traitors" to the country, including Colorado Governor Jared Polis and many U.S. Senators.⁵² On his Conservative Daily podcast on December 3, 2021, for example, his co-host Max McGuire read aloud the names of 19 Senate Republicans who had voted with Democrats to approve an 11-week stopgap spending bill. "There's your list of 19 traitors to the American people, along with all the

⁵⁰ See Joe Oltmann, *Dominion Audit Proves Fraud!*, CONSERVATIVE DAILY PODCAST (Dec. 14, 2020) (Oltmann: "He should never be allowed to leave his house, at all, without everybody knowing who he is, where he is. I have people in Salida that literally are following him around and saying alright, Joe. Here's where he's at next. Here's where he's at next. I found him. He's staying in this basement, up here. Oh, he's at his house now.")

⁵¹ See Chase Woodruff, *'Stretch that rope': Colorado Conservative leader suggests Gov. Polis should be hanged*, COLORADO NEWSLINE (Dec. 3, 2021), <https://coloradonewsline.com/2021/12/03/stretch-that-rope-colorado-conservative-leader-suggests-gov-polis-should-be-hanged/> (last visited Dec. 21, 2021); see also Joe Oltmann, *McConnell Stabbed You In The Back*, CONSERVATIVE DAILY PODCAST (Dec. 3, 2021).

⁵² *Id.*

other traitors to the American people,” Oltmann said. “I want people to go out there and get some wood. The gallows are getting longer and longer. We should be able to build gallows all the way from Washington, D.C. to California.”⁵³ Later in the show, Oltmann mentioned something he claimed to have posted online calling Governor Polis a liar and a traitor. “So that’s what I sent to Governor Polis,” he said. “Gallows. I had to stretch that rope.”⁵⁴ In another of many similar instances, on December 13, 2021, Oltmann referred to “the left” as “the trash that frankly we should drag behind our car until body parts fall off.”⁵⁵ This disconcerting rhetoric, and Oltmann’s corresponding assurances that he sincerely means his calls for violence, have only heightened the emotional distress experienced by Dr. Coomer as he continues to endure the stress and anxiety of threats being regularly directed at him personally. This type of language and behavior is commonplace for Oltmann, who Defendants continue to promote, endorse, and publish.

D. Clay Clark, the ThriveTime Show, and the ReAwaken America Tour.

38. Clark is an entrepreneur who got his start in the wedding DJ business in Tulsa, Oklahoma.⁵⁶ Since that time, he has founded a variety of other businesses that he owns and manages.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ See Joe Oltmann, *Arrested for Standing Outside the Capitol!*, Conservative Daily Podcast, (Dec. 13, 2021) (Oltmann: “When I say the evil are everything they say they’re fighting against, when they are the pedophiles, the rapists, the closet racists, when they are the disgusting part about our society. When they lie all the time, when they can’t tell the truth, and I’m putting emphasis on this. When they are the trash that frankly we should drag behind our car until body parts fall off.”)

⁵⁶ See Kendra Blevins, *Clay Clark Spins Success At Growing DJ Connection*, GTR NEWS, (Aug. 25, 2008), <https://gtrnews.com/clayclarkspinsuccessatgrowingdjconnection-d1/> (last visited Dec. 21, 2021).

39. ThriveTime Show is a trade name for Make Your Life Epic LLC and also the title of a podcast hosted by Clark, which is published on the show's website, thrivetimeshow.com. The show's full title is "ThriveTime Show: Business School Without the BS," and includes a mixture of interviews with entrepreneurs in addition to religious and political commentary. ThriveTime publishes and promotes audio and video recordings of its podcasts across multiple online platforms. In early 2021, ThriveTime also founded the ReAwaken America Tour (the Tour), which travels the country and performs in a new city on average once a month. ThriveTime promotes and sells tickets to the Tour events through its website.⁵⁷ ThriveTime livestreams the Tour events in real time and has published hundreds of videos from the Tour events, including both full-day recordings and recordings of individual speakers.

40. The first Tour event was held in Tulsa, Oklahoma, on April 16-17, 2021. The Tour billed itself as "Clay Clark's Health & Freedom Conference" and included speakers such as Michael Flynn, Sidney Powell, Mike Lindell, and Lin Wood.⁵⁸

41. The Tour made its second stop in Tampa Bay, Florida, from June 17-19, 2021. This time, the Tour had rebranded itself as "Clay Clark's Reopen America Tour: The Health and Freedom Conference 2021."⁵⁹ Featured speakers again included Michael Flynn and Mike Lindell, as well as more than two dozen other conservative political

⁵⁷ See <https://www.thrivetimeshow.com/reawaken-america-tour/> (last visited Dec. 21, 2021).

⁵⁸ See <https://caincloud.egnyte.com/dl/3uoHKjo7IT/Flyer - Tulsa.pdf>

⁵⁹ See <https://caincloud.egnyte.com/dl/2hQKZSDvnN/Flyer - Tampa Bay.pdf>

activists, vaccine skeptics, QAnon promoters, election fraud conspiracy theorists, and others.⁶⁰

42. The following month, the Tour held a conference in Anaheim, California on July 17-18, 2021. The Tour again rebranded itself, this time as “Clay Clark’s ReAwaken America Tour.”⁶¹ The growing cast of speakers still included headliners Michael Flynn and Mike Lindell, but this time had expanded to include Oltmann. Promotional materials for the event claimed it was “100% SOLD OUT!” while simultaneously encouraging viewers to “GET YOUR TICKETS NOW!”⁶²

43. The Tour continued the next month from August 19-21, 2021, at the DeVos Place Convention Center in Grand Rapids, Michigan. The event included an expanded list of speakers, again including Oltmann. Promotional materials for the Grand Rapids event indicated that the Tour was “Sponsored by Charisma Media.”

44. The Tour came to Colorado on September 24-25, 2021, appearing at the Charis Christian Center in Colorado Springs. Michael Flynn again headlined the event, with Oltmann and others included as featured speakers.

⁶⁰ *Id.*

⁶¹ See <https://caincloud.egnyte.com/dl/oqGYtpssNw/Flyer - Anaheim.pdf>

⁶² *Id.*



45. Since the Colorado event in September, the Tour has made two stops in Texas, first in San Antonio from November 11-13 2021,⁶³ and again in Dallas from December 10-12, 2021.⁶⁴ Oltmann was a featured speaker at both events. The Tour's website, hosted by Defendant Thrivetime, indicates planned tour stops in 2022 including Phoenix, Arizona (January 2022); Canton, Ohio (February 2022); Tulsa, Oklahoma (March 2022); San Diego, California (March 2022); and Redmond, Oregon (April 2022).⁶⁵

⁶³ See <https://caincloud.egnyte.com/dl/M6cR9DwHc7/Flyer - San Antonio.pdf>

⁶⁴ See <https://caincloud.egnyte.com/dl/xTsdKXPaya/Flyer - Dallas.pdf>

⁶⁵ See <https://www.thrivetimeshow.com/reawaken-america-tour/> (last visited Dec. 21, 2021).

46. In every instance, the Tour livestreams its events online to a national audience, which it promotes across various platforms.

E. The ThriveTime Show interviews.

47. On December 22, 2020, Clark published an episode of his podcast ThriveTime Show titled, “Exposing the Treasonous Eric Coomer the ANTIFA Member and the Director of Strategy and Security at DOMINION Voting Systems.” The podcast featured an interview with Oltmann and was published across multiple media platforms, including Twitter, Facebook, Thrivetimeshow.com, and various podcast hosting platforms.

48. The interview began with Clark informing his audience that Oltmann would be presenting the truth, as opposed to opinion or hyperbole. Referring to Oltmann, Clark stated, “He joins us today to expose the truth, that the Director of Strategy and Security for Dominion Voting Systems is in fact a member of Antifa. Yes, I repeat, the Director of Strategy, I can’t make this up, the Director of Security for Dominion Voting Systems is in fact a member of Antifa.”

49. As the interview proceeded, Clark emphasized that he would be “exposing the truth.” Clark stated:

Thrive Nation, occasionally there is a time in American history where you or I, we discover some truth that maybe is uncomfortable. We discover an atrocity going on. And we have an option. We can either watch the atrocities going on in front of us and say nothing, and actually be complicit because we say nothing, or we can stand up for what’s right. And I happen to believe that it’s never the wrong time to do the right thing. So on today’s show we have a guest who is actually on my prayer list right now. I’ve got a little prayer list and I keep this guy’s name on my prayer list because he is exposing the truth. And any time you expose the truth, remember this

Thrive Nation, no good deed goes unpunished. Now, with that being said, Joe Oltmann, welcome on to the ThriveTime Show.

50. Clark described Oltmann as “a whistleblower about Eric Coomer” and asked how Oltmann had come across Dr. Coomer. Oltmann explained that his organization, FEC United, had been involved in attempting to identify Antifa journalists, and through that process had begun “infiltrating” phone calls in the fall of 2020. In describing “Antifa,” Oltmann stated, “You could equate them to the Nazi movement back in the 1940s. This is not hyperbole. This is not over exaggeration. These are people that are burning down buildings. They are attacking people, doxing people, hurting people in the community.” He claimed to have accessed multiple “Antifa” phone calls, stating, “In infiltrating Antifa, we were able to get access to some of their conference calls. I was able to infiltrate several of those calls, listen in on several of those calls myself.”⁶⁶ Oltmann described the call that he claimed included Dr. Coomer as follows:

I’ll kind of walk through what was said. Eric starts talking. They identify him as Eric. Somebody asks who Eric is. Eric responds, or somebody responds, ‘Eric’s the Dominion guy.’ So that’s where I heard Eric Dominion guy. I didn’t even know what Dominion was. He continues to talk, Eric responds, and then somebody says, ‘Hey what are we going to do when f-ing Trump wins?’ And then he responds, ‘Don’t worry, Trump’s not going to win, I made sure of that.’ And then they all sort of laugh. So Eric continues to fortify the group and recruiting.

51. Oltmann went on to explain how he determined that the anonymous “Eric” allegedly referred to in the call by other unknown and anonymous third parties, stating, “I did my research on Eric. I started with Google search, really simple. Eric, Dominion,

⁶⁶ Under oath in *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319, Oltmann denied that he had actually “accessed,” “infiltrated,” or “listened in on” any other similar calls.

Denver, Colorado. And up popped Dominion Voting Systems Eric Coomer.” Defendants did not disclose during the interview that Oltmann could not confirm that the “Eric” on the call was in fact Eric Coomer, despite Oltmann having admitted that repeatedly elsewhere,⁶⁷ including in writing to One America News Network on November 10, 2020. Instead, he proceeded to assert the validity of his claims, stating, “The thing you need to know about Eric Coomer, and Dominion, is that he’s also a large shareholder. So when people say he’s just the Director of Strategy and Security, he’s not. His fingerprints are on everything at Dominion, and he’s gone across the country and across the world.” In reality, Dr. Coomer is not a shareholder of Dominion Voting Systems. Clark did not ask for any evidence of this claim, nor did Oltmann provide any. Oltmann proceeded with more falsehoods, stating:

The reason why I know we’re over the target, that Eric Coomer is the target we should concentrate on, is that he holds the patents. Patents that he holds have actually been assigned to Dominion. He has very very deep ties to a radical group, or affiliated with, and so you’re talking about somebody that frankly has the ability to affect elections, and is in a position to affect those elections, but is also is kind of a wolf in sheep’s clothing. He sits back as a Director of Strategy and Security, but in actuality, he calls all the shots in Dominion.

⁶⁷ See Joseph Oltmann, *Dominion, Big Tech, and How They Stole It*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (Oltmann at 16:01: “As the call carried on, a person who called himself Eric was on the call. Now I can’t tell you if it was the same Eric but I’m going to tell you how it led me to gather the rest of this information.” Oltmann at 17:10: “So Eric continues to fortify, so this person Eric continues to fortify groups and recruiting and he was eccentric and very boisterous compared to what I remember hearing in his other videos. I think it’s a match but I can’t be sure so I’m going to put that out there, but I can be sure of everything else I’m about to share with you.” Oltmann at 52:52: “But I didn’t *see* him, right? They identified him as Eric from Dominion, but I didn’t, I mean, I have to basically say that there could be, maybe it’s a different guy, but that *led* me to all the other things that I got, which is, getting access to Facebook, getting access to this information.”)

In reality, the patents that Dr. Coomer contributed to served to make election auditing more transparent and more secure.⁶⁸ Furthermore, Dr. Coomer did not have the ability to affect elections, nor did he call “all the shots” at Dominion. Here again, Clark simply took Oltmann at his word.

52. The interview proceeded to take a darker turn, with Clark taking questions from “a few great patriots in the studio” who “wanted to ask [Oltmann] questions.” Clark stated that, “These guys are actually former members of the U.S. military. And there’s a concern they have, is that the word ‘treason’ means the crime of betraying one’s country, especially by attempting to kill the sovereign or overthrow the government. And you have these people like Eric Coomer that are attempting to overthrow what appears to be the will of the people.” Clark first asked an individual who identified himself as Joe Kent the following: “Does it bother you, knowing that the head of Security and Strategy for Dominion is a member of Antifa who wants to overthrow our country?” Kent then asked Oltmann, “Joe, I just want to know, is the punishment actually going to fit the crime? Are we going to get a slap on the wrist, or are they going to bring the boom?” Oltmann answered by confirming that he was accusing Dr. Coomer of a crime punishable by death, stating:

I would like to say that we are going to bring the boom and that they’re going to find that these people are being held and imprisoned for long prison sentences. And frankly, if they’re found to have suppressed the voice of the American people, if it rises to that level, they can be put to death. I would

⁶⁸ See *Coomer v. Donald J. Trump for President, et. al.*, Denver District Court Case No. 2020CV34319, Exhibit O, Declaration of J. Alex Haldermann at ¶¶ 40-48, https://www.courts.state.co.us/userfiles/file/Court_Probation/02nd_Judicial_District/Denver_District_Court/Cases%20of%20Interest/20CV34319/001/2021-09-17%2019-59-38%20EXHIBIT%20O%20%20Declaration%20of%20J%20Alex%20Halderman-COMPLETE.pdf (last visited Dec. 21, 2021).

like to think that we would as a deterrent have that happen, but I think there's an immense amount of evil in our government structure.

53. The interview continued with Clark repeating and endorsing Oltmann's claim that Dr. Coomer had committed treason. Clark framed his question to the next guest by asking, "What question would you have for Joe Oltmann about the treasonous behavior of Eric Coomer, the Strategy and Security Director of Dominion Voting Systems?"

54. The interview ended with Oltmann seeking donations for his political organization, FEC United, stating, "If you want to give to what we're doing at FEC United, you can go to fecunited.com. We know that we are over the target. We are creating some great things in this country." Clark concluded, "Thank you so much for sharing your time and the truth with us today."

55. After the Oltmann interview, Clark took to Facebook to promote the interview and endorse Oltmann's claims. The account belonging to Thrivetimeshow.com posted,



56. On Twitter, the account belonging to Clay Clark, @TheClayClark, posted about the Oltmann interview as well.



Clay Clark
@TheClayClark



Joe Oltmann is a successful entrepreneur and the founder of Pin Business Network who is exposing the Director of Strategy and Security for DOMINION Voting Systems for being a member of ANTIFA.

WATCH: bit.ly/3hbBgSG

[#EricCoomer](#) [#JoeOltmann](#)



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Joe Oltmann is a successful entrepreneur and the founder of Pin Business
Network who is exposing the Director of Strategy and Security for DOMINION ...

6:43 AM · Dec 22, 2020 · Libsyn On-Publish

57. The ThriveTime Show website also published the Oltmann interview, along with a “Show Notes” summary. The notes included the title of the interview, which identified Dr. Coomer as “treasonous,” and went on to highlight such questions as, “What does every American need to know about Eric Coomer and DOMINION?” “How did you first discover the ANTIFA loving nature of Eric Coomer?” “What happened to the VOTING systems in Georgia, and what was Eric Coomer’s role in this?” and “What do we

do with people that commit treason, sedition and subversive activities?” The final question included a link to a government website identifying the punishment for treason as death.

58. Nearly six months later, on June 5, 2021, Oltmann was again invited on the ThriveTime Show as a guest. Again, Clark introduced Oltmann with reference to his false claims about Dr. Coomer, stating, “Joe Oltmann, this is the guy who first discovered Eric Coomer, the head of Strategy and Security for a company called Dominion. He was the first one to expose the head of strategy and security for Dominion, Eric Coomer and his corruption, his pro-Antifa social media posts.” Clark continued, “We are joined by Joe Oltmann who is at the front lines, he is in the front lines right now folks. He is at the tip of the spear exposing election fraud.”

59. As the interview continued, Clark again encouraged Oltmann to repeat his false claims about Dr. Coomer. Oltmann explained, “I ended up getting involved in uncovering Antifa because they were writing nasty articles about me and about the organization, so that led to me getting on a phone call with Eric Coomer.” Oltmann went on to state more falsehoods about Dr. Coomer, claiming “He talks about bias, but the true bias is for a guy that literally can’t tell the truth. I know more about Eric Coomer than I think any other person in the country because I’ve done an amazing amount of research and I’ve gotten a lot of people to come forward with information about him.” Clark responded, asking, “Hey where can we go to find all this Eric Coomer information?” “I’ll ship it to you.” Oltmann conveniently responded. “I’ll send it to you.” In reality,

Oltmann has no information whatsoever that Dr. Coomer partook in an Antifa conference call, claimed on that call that he rigged the election, or did in fact rig the election.

60. As the interview proceeded, Oltmann assured Clark and the ThriveTime audience that the upcoming conclusion of the Maricopa County audit would result in a reversal of the 2020 election results, and he made further false assurances that audits in Georgia were revealing election irregularities. “A hundred percent,” Oltmann said. “A hundred percent.” Oltmann went on to again tie his claims to Dr. Coomer by way of the adjudication process for which Dr. Coomer worked on certain patents, but he did so in such a way as to implicate not just Dominion Voting Systems, but in fact several major voting machine manufacturers. “The adjudication process is the lynchpin of how you can manipulate votes,” Oltmann claimed. “Now obviously you can create phantom votes, or excuse me, phantom ballots, or you can create fraudulent ballots. You can create those things inside of the election system. Not just inside of the Dominion system, but also the Smartmatic system as well. And ES&S. So these systems are all fundamentally built the same way.” In reality, you cannot create phantom ballots, but Clark challenged neither this nor Oltmann’s casual expansion of his claims against Dr. Coomer to now indict a much more substantial portion of the voting machine industry.

61. After several more months of Oltmann’s ceaseless defamation campaign on the ReAwaken America Tour and elsewhere (discussed below), Clark again invited Oltmann on the ThriveTime Show on October 11, 2021, to use his national platform to spread more falsehoods. True to form, Oltmann falsely stated, “It’s impossible to ignore the fact that the fraud was so massive, the system is so compromised, that there is no way

you can trust these voting machines. There's no way you can trust the people in leadership that are running those voting machines. They're all compromised because they continually lie to us."

F. The Tour's defamation of Dr. Coomer.

62. The Tour's roster of speakers consistently includes Oltmann, who speaks on behalf of the Tour and regularly utilizes his allotted timeslot on the Tour stage to repeat his false claims that Dr. Coomer participated in an Antifa conference call, claimed on that call to have rigged the election, and did in fact rig the election. The Tour publishes Oltmann's defamatory statements across multiple platforms and uses Oltmann's appearances and likeness in its promotional materials. As discussed above, Clark has repeatedly endorsed Oltmann's claims about Dr. Coomer, and continues to ratify and endorse those claims when presenting and introducing Oltmann on behalf of the Tour.

63. Oltmann's speech at the July 18, 2021 Tour conference in Anaheim, California was typical. Oltmann introduced himself as a victim, stating, "I'm an unlikely victim of this movement. I didn't want this. I didn't ask for it." He then quickly transitioned to repeating his false claims about Dr. Coomer, stating:

I happened to get on a phone call with a guy named Eric Coomer back in September of last year, and he said, "Hey don't worry about it, Trump's not going to win, I made sure of that." I'm in the church of the lord so I'm not going to tell you what he said, but I am going to tell you that I didn't know what I knew at that point. I didn't know. I wrote it down, I thought these guys were nuts, and it wasn't until three days after the election. You know what happened on election night. It wasn't until three days afterwards that I figured out, somebody sent me an article, when his name was in there and he was the spokesperson for Dominion Voting Systems, what I was looking at.

64. At his next appearance in Grand Rapids, Michigan, on August 22, 2021, Oltmann again began his speech by depicting himself as a victim. “I didn’t want to be in this fight,” he claimed. “I didn’t ask for it. The sacrifices that I’ve made have been pretty significant.” Oltmann then proceeded with his claims of election fraud, stating, “I want you to know three facts. Number one, the election was stolen. Number two, foreign entities funded and planned the true insurrection, exploiting the selfish desires of greedy and power-hungry weak leaders in our country. True story. And the third of which is President Trump is the rightful President of the United States.” He went on to assure his audience that the then-ongoing “audit” of election results being conducted in Maricopa County, Arizona, would result in the 2020 presidential election results being overturned. “Now I don’t have first-hand knowledge,” he said. “I should probably say that. I have second or third hand knowledge, but I think it’s pretty good. That knowledge is this. When that report comes out of Maricopa County, the mainstream media and all of them are going to scurry like rats when the lights come on.” In reality, the Republican-led “audit” in Maricopa County would go on to not only confirm the election results, but to find that President Biden had actually gotten more votes than previously reported. Oltmann concluded his speech with an attack on the judiciary, claiming “We have been abandoned, and we have been betrayed by our judiciary. It is compromised. It is complicit in the behavior, all the way up to the highest court.”

65. The next month, on September 25, 2021, Oltmann again appeared with the Tour onstage in Colorado Springs, Colorado. Clark introduced Oltmann by saying, “Our next presenter is Colorado’s very own tech entrepreneur and freedom loving patriot,

exposing the corruption of election fraud. Ladies and gentlemen, please stand and greet Joe Oltmann.” In typical fashion, Oltmann again launched into attacks on Dr. Coomer, this time also accusing Dr. Coomer of perjury. He stated:

Here’s what I know. Eric Coomer was on that call. Eric Coomer who is the Director of Strategy and Security for Dominion Voting Systems is a liar. I just sat in a deposition with him where the guy literally lied about everything. Dominion Voting Systems is a system just like others that is designed to steal your voice. That’s not hyperbole. That’s not me making stuff up. That’s truth.

66. Oltmann, who regularly and increasingly calls for political violence, went on to state, “They say Joe, you’re advocating for violence, and I would tell you this. When is enough going to be enough? When are you going to keep moving that line back? Until it kills you? Until they come for your children?”

67. At Oltmann’s next appearance with the Tour in San Antonio, Texas, on November 17, 2021, Clark introduced Oltmann by stating:

Alright ladies and gentlemen, our next speaker, our next presenter, is a very successful entrepreneur who had hundreds of employees and all sorts of reasons to not fight back, but he discovered the corruption, the election fraud, and this little guy who was the head of security for a company called Dominion, by the name of Eric Coomer, who happens to be pro-Antifa. So he decided to put his career on hold and to put his hundred per cent focus on trying to save this nation and to expose the corruption of election fraud. Ladies and gentlemen, please stand to your feet and greet Joe Oltmann.

68. Oltmann took the stage and immediately promoted his political organization, FEC United, and posted an image onscreen where his viewers could go to donate money. He then transitioned to attacking Dr. Coomer, stating:

I happened to get on this fateful call with Eric Coomer of Dominion Voting Systems and he said I wasn’t on that call. If you guys haven’t gotten a chance to watch his deposition, that four hours that Sidney Powell’s attorney

eviscerated him in that deposition. He lied, then lied again, then lied again, then admitted at the very end, well, I might support Antifa. I didn't lie.

69. Oltmann continued to promote claims of election fraud more generally, stating, "We cannot go forward until we go and fix the election in 2020." Oltmann went on to again casually and significantly broaden the scope of his claims, asserting that "We know they didn't steal six states or five states or three states, they stole all of them." He concluded by once again seeking donations to FEC United, saying, "Everyone needs to go there [fecunited.com]. It's \$60 to sign up for the entire year. We have 279,000 members and we grow by 500-800 members a day. I do not get paid anything to run around the country and talk about election integrity, and to do my part to serve you."

70. On December 11, 2021, the Tour continued the drumbeat of falsehoods against Dr. Coomer. This time Oltmann appeared onstage with former inventor and "treasure hunter" Jovan Pulitzer and claimed to be wearing a hat provided to him by QAnon podcast host Anne Vandersteel. He again raised his false allegations against Dr. Coomer, falsely stating:

So there was this day where I was asked to get on this call with Antifa because they were writing bad stuff about me. They were saying that I was some militiaman, that I was a right-wing extremist. I've never been extreme about anything, other than helping people in my community. I've had a nearly flawless reputation. I've lived my life by the principles of God.

71. Oltmann then continued the attacks on Coomer with more of the same outright falsehoods, stating:

But I was on that call with Eric Coomer that day. I wrote down copious notes how Trump's not going to win, I'll make sure of it. Don't worry about it. That's not what he said. He said, I can't say it in a church. Don't worry about Trump, he's not going to win. I made [pauses] sure of it. Now at the time, that was in September, I had no idea what I was in for. I did my

research on that guy. He had a doctorate. Now what kind of doctor goes out and supports Antifa? Come to find out that our country has been infected with people that have gone through and been indoctrinated with the education or training system in the universities.

72. As he often does,⁶⁹ Oltmann then added a series of new claims against

Dr. Coomer. Oltmann stated:

He was just arrested a month ago, by the way, for a crime. Again. This is the guy that's running 50% of our voting system. He's the one that holds patents in the adjudication process. He's the one that built some of the code that's used in other election systems across our country. And we've been talking about all of the theft that's happened, and I'm a subject matter expert on system architecture. I'm here to tell you one thing. The election on November 3, 2020, was stolen. By a lot, not a little.

73. In addition to recklessly defaming Dr. Coomer, the Tour also again gave Oltmann a platform to call for violence. He went on to receive a standing ovation for stating "And by the way, if you don't like me talking about the gallows and hanging those that are traitors against our country, then change the law because it's in the constitution that you should be hung." Literally minutes after advocating for violence, Oltmann, who

⁶⁹ Oltmann has made numerous bizarre and baseless claims about Dr. Coomer with no factual basis whatsoever. See, e.g., Joe Oltmann, *Antifa Declares War on Trump Supporters*, CONSERVATIVE DAILY PODCAST, (Nov. 16, 2020) (falsely claiming Dr. Coomer has ties to Mitt Romney); Joe Oltmann, *More Dominion 'Glitches' Discovered in Georgia!*, CONSERVATIVE DAILY PODCAST, (Nov. 17, 2020) (falsely claiming that Dr. Coomer played a role in rigging the 2012 election in Mongolia); Joe Oltmann, *Joe Oltmann Discusses How a Security Genius at Dominion Voting Promised Antifa Members a Trump Loss*, THE ERIC METAXAS RADIO SHOW, (Nov. 24, 2020) (falsely claiming that Dr. Coomer had ties to the Bernie Sanders political organization "Our Revolution"); Joe Oltmann, *Georgia Trying to Delete Dominion Machines*, CONSERVATIVE DAILY PODCAST, (Nov. 30, 2020) (falsely claiming that Dr. Coomer "has separate shell corporations that are offshore, foreign corporations that he happens to own" and falsely claiming that he had discovered ties "between George Soros and Eric Coomer"); Joe Oltmann, *Shameful Dems Attacking Election Witnesses!*, CONSERVATIVE DAILY PODCAST, (Dec. 3, 2020) (falsely claiming that secret forensic auditors within the Department of Justice were "following the money of Eric Coomer"); Joe Oltmann, *Dominion Audit Proves Fraud!*, CONSERVATIVE DAILY PODCAST, (Dec. 14, 2020) (falsely claiming that Dr. Coomer "owns the patent for fractionalized voting"); Joe Oltmann, *Donald Trump Still Has A Path*, CONSERVATIVE DAILY PODCAST, (Dec. 21, 2020) (falsely claiming that Dr. Coomer "has multiple bank accounts with millions of dollars in it, overseas, in shadow accounts.")

regularly advocates for violence, concluded by stating “I do not advocate for violence, but I will tell you, they are not going to take this country from us.”

G. Oltmann’s claims were and are obviously false.

74. Then, as now, Defendants had numerous reasons to know that Oltmann’s claims about Dr. Coomer were false and that they have published and continue to publish highly defamatory content with reckless disregard for the truth.

75. Oltmann has offered no evidence in support of his allegations against Dr. Coomer. Oltmann does not know Dr. Coomer and had no personal knowledge of Dr. Coomer at the time of the alleged Antifa conference call. Oltmann has not disclosed any witness with personal knowledge that identified Dr. Coomer on the alleged Antifa conference call. Oltmann has not identified any expertise or reliable methodology with which he identified Dr. Coomer on the alleged Antifa conference call. Oltmann did not record the call despite alleging conducting a Project Veritas-style sting to expose Antifa journalists. Instead, Oltmann’s allegations against Dr. Coomer were based on Oltmann’s speculation of an alleged Google search and alleged YouTube videos of Dr. Coomer he claims to have subsequently watched at a later undisclosed time. These are not reliable methodologies for identification.

76. Similarly, Oltmann has no personal knowledge of any election fraud involving Dr. Coomer. Oltmann has not disclosed any witness with personal knowledge of any election fraud committed by Dr. Coomer. Oltmann has offered no evidence of election fraud committed by Dr. Coomer. And Oltmann has not identified any expertise in elections systems with which to identify election fraud. Instead, Oltmann’s allegations

of fraud were based on his speculation of Dr. Coomer's Facebook posts and his employment with Dominion, neither of which include evidence of election fraud. The Facebook posts themselves are limited to Dr. Coomer's personal and political beliefs, which have no probative value as to the allegations made.

77. Otherwise, Oltmann's allegations are based on anonymous sources—specifically unknown and unverified speakers on an Antifa call Oltmann allegedly infiltrated. Only after Dr. Coomer filed suit against Oltmann did Oltmann claim to have personal knowledge of other participants on the purported call. However, the witnesses Oltmann directly or indirectly identified have denied any knowledge of such a call, denied any knowledge of the statements Oltmann alleged occurred on the call, and denied any knowledge of Dr. Coomer on such a call. No other participants have come forward and Oltmann has not disclosed any other alleged participants. Regardless, Oltmann's alleged knowledge of some participants does not impute knowledge of the relevant unknown and unverified speakers on which Oltmann based his claims. Those alleged speakers remain anonymous.

78. Oltmann's allegations regarding the alleged Antifa call itself have varied. Oltmann initially provided no explanation for how he infiltrated the alleged Antifa call. Oltmann then claimed to have gained access from a Colorado Springs journalist, Heidi Beedle. However, Heidi Beedle has provided sworn testimony that she has no knowledge of the alleged call or Oltmann's allegations. Oltmann has since acknowledged his claim that she was on the call was a "wild guess." Oltmann now claims another unnamed Antifa member gave him access to the call but has refused to disclose the alleged

witness's name. Oltmann has not identified when the purported call occurred, at times placing the call in mid-to late-September and at times stating it occurred on or about the week of September 27, 2020. Whereas a screenshot Oltmann allegedly took of the Google search of the terms "Eric," "Dominion," and "Denver Colorado" is dated September 26, 2020, which would place the Google search before the call. However, Oltmann's placement of the call changed again with the filing of his reply in support of his special motion to dismiss in Denver District Court. Specifically, Oltmann introduced in his reply the Declaration of John "Tig" Tiegen (Tiegen), who claims Oltmann alleged a call occurred sometime between September 17 and 21, 2020. Notably, Tiegen's description of Oltmann's allegations did not include Dr. Coomer, Dominion, or election fraud, but, instead, only theories that "journalists were trying out some propaganda." Tiegen himself has no personal knowledge of an alleged call or of Oltmann's allegations against Dr. Coomer. Oltmann has provided no record evidence of the call itself, such as electronic records contemporaneously made that list identifying information such as the date, time, or method of the call. Instead, Oltmann has provided undated notes Oltmann alleges he took during the call. Similarly, the method of communication has also changed with Oltmann first alleging it was a phone call only to now allege it was a Zoom call. Moreover, Oltmann has no recording of the call despite Oltmann having allegedly accessed it to investigate Antifa.⁷⁰

⁷⁰ See Joseph Oltmann, *Dominion, Big Tech, and How They Stole It*, CONSERVATIVE DAILY PODCAST (Nov. 9, 2020) (McGuire at 1:06:27: "But we don't have it recorded." Oltmann: "It doesn't matter that I don't have it recorded!")

79. In addition, Oltmann has continually defied court-ordered discovery related to this matter; refused to produce relevant evidence; refused to disclose alleged information; and refused to provide relevant deposition testimony. This conduct is not new, nor is it unknown to Defendants, as Oltmann regularly discusses his legal troubles on the Tour. Oltmann's convenient excuse—that he fears his source will be subjected to some unspecified harm—only serves to highlight his deception. Like his unnamed, unsubstantiated source, Oltmann has put forth no credible evidence of an acute threat to anyone in this case—except Dr. Coomer.

H. The harm ThriveTime and Clark caused Dr. Coomer.

80. The harm caused by Defendants' repeated and ongoing nationwide publication of false claims about Dr. Coomer is immense. Despite an utter lack of any evidence whatsoever for the false claims, Dr. Coomer has received countless credible death threats, and continues to receive those threats on a regular basis. Defendants are familiar with Oltmann's social media presence and his daily podcast. Oltmann has been a repeated guest on the ThriveTime Show podcast and the Tour continues to promote and publish false claims about Dr. Coomer. The following are just a few illustrative examples of the countless threats directed at Dr. Coomer on the basis of the lies that Defendants have published and persist in publishing.

81. Within days of Clark's first interview with Oltmann on the ThriveTime Show, numerous threats were directed against Dr. Coomer across various social media platforms. For example, on December 27, 2020, Twitter user @tahntahn76 commented

on Dr. Coomer, stating “Crimes against humanity? You bet! Treason? You better believe it!” and posted the following:

Coomer, being scrubbed from internet as you read this, holds the actual patents to cheat! This sick criminal makes \$\$\$ while putting the steal on nations & steering the futures of humanity. Crimes against humanity? You bet! Treason? You better believe it.

🇺🇸 🇺🇸 Michele 🇺🇸 🇺🇸

@majmo50

👉 Developing: Dominion's Anti-Trump Executive Eric Coomer Owns Patents on Adjudication Process That Investigators Found Skimmed Votes From Trump in Michigan <https://t.co/FBV41tflYh>

6 months ago

@tahntahn76 6 months ago

82. The next day, December 28, 2020, Twitter user @garybenoit63 responded to a tweet about Dr. Coomer authored by Lin Wood by suggesting a “hemp necklace” and saying to “Hang the treasonous bastards”:

A fuckin traitor.A hemp necklace will fit perfectlyHang the treasonous bastards.Every one of them in front of the stadiums 1 hour before kick off.MAGA 🇺🇸 🇺🇸 🇺🇸

Lin Wood

@llinwood

Eric Coomer sued Sidney Powell @SidneyPowell1 & others for defamation (not Dominion). Can you imagine how interesting it will be to take his deposition AND discover all of his emails, texts, & other documents? How do you spell treasure trove & ensnared? <https://t.co/tw0QSMS0tm>

6 months ago

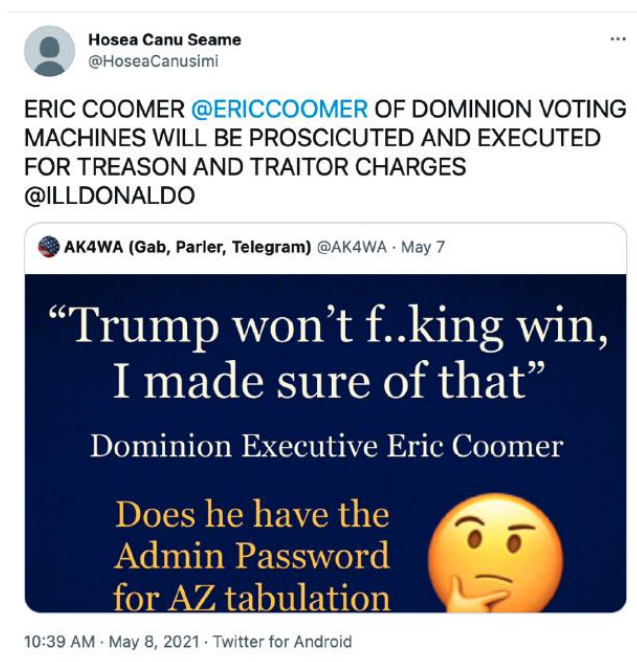
@garybenoit63 6 months ago

83. That same day, Twitter user @annie90883953 suggested that Dr. Coomer might soon “die in an accident.”

RT @BOX_B2: Now let's call him to a hearing and talk to him. Do you think you can continue to escape?Hurry up, Eric Coomer, before you die in an accident!

@annie90883953 6 months ago

84. On May 8, 2021, between the Tour’s appearances in Tulsa and Tampa Bay, Twitter user @HoseaCanusimi agreed that Dr. Coomer would soon be executed for treason.



85. A week later, on May 15, 2021, Twitter user @RogaJolly called Dr. Coomer a “traitor” and said he was “on his way to GITMO for treason.”



86. As another example, on September 21, 2021, just before his appearance with the Tour in Colorado Springs, Oltmann referred to Dr. Coomer as “This lying piece of shit” on his Telegram account. Telegram user Luke 12:2 responded, “Coomer deserves the GUILLOTINE! Yes, I said what I said. No, I will not apologize. Screenshot it, commie trash!!”

87. On October 29, 2021, two weeks before the Tour put Oltmann onstage in San Antonio, Oltmann posted on Telegram, “Cooooooooomer! I am not even remotely done with this truly fascist piece of trash or the Antifa judge. Telegram user Nicholas Cekinovich responded, “Coomer reds [sic] to be at the end of a rope.” User Luke 12:2 chimed in, “Rot in fu*king hell Coomer. ROT. IN. HELL!!”

88. Despite all of this, ThriveTime and Clark persisted and continue to persist in airing the false claims against Dr. Coomer. The onslaught of threats Dr. Coomer has experienced and the necessary measures he has been forced to take to protect himself are the direct result of ThriveTime’s and Clark’s defamatory conduct. Dr. Coomer has and will continue to experience serious and severe emotional and physical distress as a result. The harm ThriveTime and Clark have caused to Dr. Coomer’s reputation,⁷¹ privacy, safety, and earnings, and other pecuniary loss is immense.

⁷¹ These false statements have damaged Dr. Coomer’s professional reputation, which depended on working relationships with state and county officials and compromised his continued involvement and employment in relation to and support of elections. See Saja Hindi, *GOP demand for probe of Colorado’s Dominion voting system part of “debunked conspiracy theories.” House speaker says*, DENVER POST, Dec. 7, 2020, <https://www.denverpost.com/2020/12/07/colorado-republicans-dominion-investigation/>.

V. CAUSES OF ACTION

A. *Defamation Against Defendants*

89. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

90. Dr. Coomer is neither a public official nor a public figure. He is a private individual that Defendants, by their own conduct and for their own ends, targeted and elevated into the public sphere. Defendants intentionally caused the publication of false and unprivileged oral and written statements about Dr. Coomer and ratified false statements of and concerning Dr. Coomer made by others. Their false statements have been seen, read, or heard by millions of individuals across the United States, across Colorado, and specifically in Denver, Colorado.

91. The defamatory meaning of Defendants' false statements is apparent from the face of their publication, refer to Dr. Coomer, and are understood to be about him. These statements are defamatory per se as they inherently injure Dr. Coomer's reputation, impute a crime, and disparage his business practices. On their face, they falsely assert Dr. Coomer has participated in a conspiracy that undermined the integrity of the election; disenfranchised millions of voters; and fraudulently elected the president of the United States. Defendants falsely allege Dr. Coomer accomplished this through fraudulent business practices as an employee of Dominion. Defendants falsely allege Dr. Coomer is a traitor. Defendants' false statements have subjected Dr. Coomer to scorn, outrage, and threats from his community. Their false statements have harmed

Dr. Coomer's reputation by lowering him in the estimation of at least a substantial and respectable minority of the community.

92. Defendants published their false statements both negligently and with actual malice. Defendants knew or had reason to know that these statements were false and published their statements with knowledge or reckless disregard of their falsity. Defendants failed to contact and question obvious available sources for corroboration; disregarded reliable sources refuting their claims; had no credible bases for the false allegations made; fabricated specific allegations; treated speculation and innuendo as evidence; and published their allegations in a manner calculated to create a false inference. Their allegations were inherently improbable, derived from unreliable sources, and are unsupported by evidence. Defendants preconceived a conspiracy and then set out to establish that conspiracy to further their own ends. ThriveTime ratified and endorsed the statements of Clark and the other hosts who promoted the false claims against Dr. Coomer and is both independently and vicariously liable for the conduct described herein. ThriveTime could have put a stop to its hosts' conduct and intentionally allowed them to continue to defame Dr. Coomer.

93. As a direct and proximate result of Defendants' conduct, Dr. Coomer has suffered significant actual and special damages including, without limitation, harm to his reputation, emotional distress, stress, anxiety, lost earnings, and other pecuniary loss.

B. Intentional Infliction of Emotional Distress Against Defendants

94. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

95. Defendants engaged in extreme and outrageous conduct. Their conduct was calculated to cause Dr. Coomer severe emotional distress. Defendants falsely alleged Dr. Coomer perpetrated a criminal conspiracy against every American citizen to overturn the results of the presidential election. They branded Dr. Coomer a traitor and made him a pariah. They encouraged the dissemination of these false claims. They exploited public fear and directed vitriol and threats against Dr. Coomer. Oltmann has directly made terroristic threats against Dr. Coomer, calling on people to harm Dr. Coomer and placing Dr. Coomer in fear of imminent injury and death. Defendants have knowingly elevated Oltmann's statements and adopted his false allegations and threats. These actions have had their intended effect. Dr. Coomer has had an onslaught of harassment and credible death threats issued against him; he is at risk in his home or in going to work; his presence puts his family, friends, colleagues, and his community in danger. All aspects of his life have been altered in response to Defendants' conduct, including things as basic as where to live, how to go out in public, and when to see family and friends. The results of Defendants' ongoing conduct are foreseeable and obscene. This conduct is so outrageous in character and extreme in degree as to go beyond all possible bounds of decency. It should be regarded as atrocious and determined intolerable in a civilized community.

96. As a direct and proximate result of Defendants' conduct, Dr. Coomer has suffered significant actual and special damages including, without limitation, emotional distress, overwhelming stress and anxiety, lost earnings, and other pecuniary loss.

C. *Civil Conspiracy Against Defendants*

97. Plaintiff fully incorporates the prior paragraphs, as well as the Introduction of this Complaint.

98. Defendants engaged in a conspiracy to defame and inflict emotional distress upon Plaintiff.

99. Defendants' collective objective was to promote the false claim that the 2020 presidential election was rigged for their own financial and political gain. To do that, Defendants agreed, both expressly and implicitly, to create a demonstrably false narrative that the election had been rigged and that President Trump lost his reelection bid because of fraudulent election activities.

100. Defendants fed their narrative by falsely accusing Plaintiff of both having the ability and intent to rig the presidential election and actually subverting the election results so as to disenfranchise millions of voters. Defendants fabricated their false narrative by using Plaintiff's alleged (and false) affiliation with "Antifa," speculation as to his access to election hardware and software, and his personal political beliefs. In order to further their objective, Defendants agreed, by their words and conduct, to publish and republish defamatory statements about Plaintiff and threats towards Plaintiff.

101. As a result of Defendants' coordinated conduct, Plaintiff has become the target of death threats and harassment and suffered significant actual and special

damages proximately caused by their conduct, including, without limitation, emotional distress, overwhelming stress and anxiety, lost earnings, and other pecuniary loss.

D. Permanent Injunction

102. Plaintiff fully incorporates the foregoing paragraphs, as well as the Introduction of this Complaint.

103. Plaintiff seeks permanent injunctive relief to remove all Defendants' defamatory statements upon final adjudication of the claims at issue.

VI. DEMAND FOR RETRACTION

104. Plaintiff demands Defendants immediately and publicly retract all defamatory statements regarding Plaintiff and threats Defendants made to Plaintiff.

VII. RIGHT TO AMEND

105. Plaintiff reserves the right to amend his pleadings in accordance with the Federal Rules of Civil Procedure. Plaintiff anticipates amending his pleadings as more information becomes available, including the full scope of defamatory statements Defendants have made.

VIII. JURY DEMAND

106. Pursuant to Federal Rule of Civil Procedure 38, Plaintiff requests a jury to decide all issues of fact.

PRAYER FOR RELIEF

For these reasons, Plaintiff respectfully requests that Defendants be cited to appear and answer, and that the Court enter judgment against Defendants, including, but not limited to:

- Permanent injunctive relief requiring Defendants and their officers, agents, servants, employees, and attorneys to remove any and all defamatory publications made about Dr. Coomer;
- Actual and special damages against Defendants in an amount to be proven at trial;
- Leave to amend this Complaint and allege exemplary damages in an amount to be proven at trial after the exchange of initial disclosures pursuant to Colorado Rules of Civil Procedure and Plaintiff establishes prima facie proof of triable issues pursuant to C.R.S. § 13-21-102.
- Attorney's fees and costs;
- Prejudgment and post-judgment interest; and
- Such other and further relief, both general and special, to which Plaintiff may be justly entitled to receive.

