

# LAW OFFICE OF GARY D. FIELDER, ESQ.

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April 16, 2021

Re: *O'Rourke, et al. v. Dominion Voting Systems, Inc., 2020-cv-3747*

Dear Clients,

Thank you for your patience in the case. As you can imagine, Ernie and I have been working night and day to protect your rights and ensure that all our pleadings are being filed in a timely fashion. Based upon all the filings—which I encourage you review—we have made some strategic decisions that we want to share with you and request your assistance.

Although we know that the individual, official actors, listed from other states, violated the constitutional rights of all of you, it is our legal opinion that we may not have personal jurisdiction over these parties in Colorado. For example, Jocelyn Benson is a person, under the law, that I'm sure the Plaintiffs from Michigan, and every other class member, would like to see held responsible for her unlawful behavior, as outlined in the recent March 6, 2021, order from the State of Michigan Court of Claims. Nonetheless, we are of the opinion that we may not have the necessary "minimum contacts" required to have her answer a complaint filed in Colorado. Of course, Colorado is where Dominion is located, and the State of Michigan delegated a portion of its duty to that company in Colorado. However, that still may not be enough to convince the Court here to exercise jurisdiction over her, or for that matter, any of the out-of-state, politician, defendants.

We also all know that courts often protect the bureaucrats, and I am very concerned that if the Court starts dismissing those Defendants, that could make us look bad, and the Court might just keep going in that spirit and dismiss the action, all together. That is what we must avoid, at all costs.

Accordingly, we will start the process of refileing against those Defendants in their home states. Ernie's law license is from Michigan, and we can, again for example, refile against Ms. Benson, in relatively short order—in Michigan. In the interim, as we grow and the facts are revealed, we will then have to file against the other Defendants in their home states, with lawyers licensed to practice in those states. Of course, the lawyers, here, can join those cases *pro hac vice*, and, as far as I'm concerned, the Plaintiffs here can join in those States, as well. All of this, we will be discussing in the coming weeks.

If we dismiss those actors, without prejudice, that leaves us with Dominion, Facebook, CTCL, Mark Zuckerberg and Priscila Chan. That's a good group, and, again, additional Defendants could be added, but that is another issue to be determined, down the line.

If you think about, though, those five Defendants were big actors in the 2020 Presidential election. The legal issue is: Were they state actors? We've outline in our pleadings that the facts

indicate that they were certainly engaged in state action, and that the issue is to be resolved by a jury, not a judge. Thus, they are desperate to call us “frivolous,” “baseless,” “conspiracy theorists,” and everything else. Believe me, with these five Defendants, and the 400 of you, we have ourselves a good old-fashion, class-action lawsuit against some big entities.

Here is what we need. In order to get everybody signed up as easily as possible, the Plaintiffs were given a form affidavit that you could fill out. Many of you prepared your own affidavit and didn't use the form.

If you used the form, please note that we need you to update your affidavit, and feel free to speak your mind and make your personal situation heard. You will need to prepare a personal statement, in addition to what you have already provided, to be used for this purpose. Most of you have had a personal Facebook story, or have personal thoughts about how Dominion has affected you, even if Dominion is not in your state.

Tell that story. We need you to tell *your* story. The motions to dismiss from the Defendants focused on “lack of standing” and an allegation of “no injury,” “traceable to them.” These people affected us all. Additionally, even though we are dismissing the state, political actors noted above, if you feel that one or more of them impacted your rights, then talk about it. Many of you probably didn't know the full extent of CTCL's involvement in the election when you first submitted your affidavit, but now that you do, you may have additional thoughts that need to be added.

If it's just too stressful, or you don't have the means to prepare another affidavit, then *don't* do it. We have your form affidavit, and that's enough. We promise you won't be left out. And, as stated, if you already did a special affidavit, we can just use that one. However, if you have time, and you submitted the form, please prepare a new personal statement from the heart, and let it all hang out. This will be your personal story about your experience before, during, and after the election, and all your reasons for why each Defendant harmed you, in as much specific detail as possible.

Remember, the Court has already screwed the case up by allowing the Defendants to argue over whether we can file our first amended complaint. In a good way, that gave us time to keep building our team, and increase our Plaintiffs. Because of that, the second round of affidavits have not been submitted (much less this third one), so no one, except us, has seen your affidavits. They need to be consistent, of course, but we are now ready to submit a second amended complaint that includes all 1000 affidavits.

Make it count!

Letter to Clients  
April 13, 2021  
Page 3

If you voted, write down your experience. Did you get turned away? Did it cost you time and money in gas and other expenses? The defendants claim that the Plaintiffs didn't suffer any compensatory damages. We don't need to show that, nominal damages are enough in a civil rights action—but if you did suffer some monetary or compensatory damage, or if your vote was not allowed, whatever the case may be, write about it.

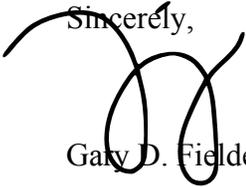
I've talked to a lot of people who got banned on Facebook for their political views, and that had a negative impact on their business, as well. If that is the case for you, put it in your affidavit.\

Once you've completed it, get it notarized, scanned and emailed to the team at [contact@dominionclassaction.com](mailto:contact@dominionclassaction.com) .

If you can't get it notarized, just sign and date it at the bottom, with a statement that goes something like: I declare under penalty perjury under the law of the United States of America, that the foregoing is true and correct.

Thank you very much for your attention to this, and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Fielder". The signature is fluid and cursive, with a large initial "G" and "F".

Gary D. Fielder. Esq.

gdf