

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----)	Index No. 151136/2021
SMARTMATIC USA CORP., SMARTMATIC)	
INTERNATIONAL HOLDING B.V., and SGO)	I.A.S. Part 48
CORPORATION LIMITED,)	
)	
Plaintiffs,)	
)	
-against-)	
)	
FOX CORPORATION, FOX NEWS NETWORK)	
LLC, LOU DOBBS, MARIA BARTIROMO,)	
JEANINE PIRRO, and RUDOLPH GIULIANI,)	
)	
Defendants.)	

**FOX NEWS NETWORK, LLC’S ANSWER AND COUNTERCLAIM TO
PLAINTIFFS’ FIRST AMENDED COMPLAINT**

Defendant Fox News Network, LLC (“Fox News”), by and through its counsel of record, submits this Answer and responds to the corresponding numbered allegations contained in Smartmatic USA Corporation, Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, “Plaintiffs”) March 6, 2023 First Amended Complaint (“Amended Complaint”) as follows.

INTRODUCTION¹

1. The allegations contained in Paragraph 1 and footnote 2 are argument to which no response is required. To the extent a response is required, Fox News admits the allegations in the first two sentences and that Congress certified Joe Biden and Kamala Harris as the winners of the

¹ The Complaint includes headings that are argument and for which no response is required. To the extent a response is required, Fox News denies them.

2020 election for President and Vice President of the United States. Fox News lacks knowledge and/or information as to the remaining allegations contained in Paragraph 1 and footnote 2 and therefore denies them.

2. Fox News denies the allegations contained in Paragraph 2.

3. Fox News denies the allegations contained in Paragraph 3.

4. Fox News denies the allegations contained in Paragraph 4.

5. Fox News denies the allegations contained in the first two and last sentences of Paragraph 5. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 5 and therefore denies them.

6. Fox News denies the allegations contained in Paragraph 6.

7. To the extent the allegations contained in Paragraph 7 purport to summarize video-recorded programs, articles, and social media posts, or written text, those video-recorded programs, articles, social media posts, and/or written texts speak for themselves, and no response is required. To the extent these allegations seek to characterize those videotapes, articles, social media posts, or written texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 7.

8. Fox News denies the allegations contained in Paragraph 8

9. Fox News denies the allegation of a disinformation campaign and the other allegations contained in Paragraph 9, except Fox News lacks knowledge and/or information as to what Smartmatic, its officers, its clients, and its potential clients have experienced, and therefore denies those allegations.

10. Fox News denies the allegations contained in Paragraph 10, except Fox News lacks knowledge and/or information as to Ms. Powell's and Mr. Giuliani's motives, and therefore denies those allegations.

11. Fox News denies the allegations contained in Paragraph 11.

12. Fox News denies the allegation of a conspiracy to spread disinformation. Fox News admits the allegations in the second and third sentences of Paragraph 12. Fox News denies the remaining allegations contained in Paragraph 12.

13. Paragraph 13 is a summary paragraph that contains legal conclusions and requires no response. To the extent a response is required, Fox News denies the allegation of a disinformation campaign and the remaining allegations contained in Paragraph 13.

14. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 14 and therefore denies them.

15. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 15 and footnote 3 and therefore denies them.

16. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 16 and therefore denies them, except Fox News denies the allegation of a disinformation campaign.

17. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 17 and therefore denies them, except Fox News denies the allegation of a disinformation campaign.

18. Fox News admits that Fox Corporation maintains a leadership position across core news, sports, and entertainment businesses, and that it has a significant presence and relevance in major domestic markets. To the extent a further response is required, Fox News denies the

allegations contained in the first sentence of Paragraph 18. Fox News admits the remaining allegations contained in Paragraph 18 and footnote 4.

19. Fox News admits that it is a large company with an international reach. To the extent the allegations contained in the second sentence of Paragraph 19 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegations contained in the first sentence of Paragraph 19. Fox News admits that Fox News Network, LLC's principal place of business is located in New York, New York, that it is incorporated in Delaware, and that Fox News Network LLC operates Fox News and Fox News Digital. The allegations contained in the last two sentences of Paragraph 19 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied.

20. Fox News denies that it published defamation. Fox News admits that Rupert Murdoch is the Chairman of Fox Corporation and holds the title of Executive Chair of Fox News Network LLC (although senior day-to-day management of Fox News Network, LLC is handled by others). Fox News also admits that Lachlan Murdoch is the Executive Chairman and Chief Executive Officer of Fox Corporation. To the extent the allegations contained in Paragraph 20 contain legal conclusions, no response is required. To the extent a further response is required, Fox News denies the remaining allegations contained in Paragraph 20.

21. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 21.

22. Fox News admits that Lou Dobbs is an award-winning journalist and formerly the host of *Lou Dobbs Tonight*, and that *Lou Dobbs Tonight* was formerly cablecast from New York, New York. Fox News further admits that Mr. Dobbs is a resident of Sussex County, New Jersey.

Fox News denies that it currently describes *Lou Dobbs Tonight* as the “#1 news program on business television, which features a breakdown of the day’s top stories and how they impact the economy.” Fox News denies the allegation of a disinformation campaign. Fox News denies the remaining allegations contained in Paragraph 22.

23. Fox News admits that Maria Bartiromo is a host of *Sunday Morning Futures with Maria Bartiromo* and *Mornings with Maria*, and that Fox News cablecasts her programs from New York, New York. To the extent the allegations contained in Paragraph 23 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 23.

24. Fox News admits that Ms. Pirro was previously the host of *Justice with Judge Jeanine*. Fox News further admits that Fox News cablecasted her programs from New York, New York, that Fox News is located in New York, and that she is licensed to practice law in New York. To the extent the allegations contained in Paragraph 24 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 24.

25. Paragraph 25 contains legal conclusions for which no response is required.

26. Fox News admits the allegations contained in the first sentence of Paragraph 26, denies the allegation of a disinformation campaign, and otherwise lacks knowledge and/or information of the remaining allegations contained in Paragraph 26 and therefore denies them.

27. Fox News admits the allegations contained in the first sentence of Paragraph 27 and denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 27 and therefore denies them.

28. Fox News denies the allegation of a disinformation campaign, and denies the allegations contained in Paragraph 28, except Fox News lacks knowledge and/or information of the allegations contained in Paragraph 28 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

29. Fox News admits that Fox Corporation's principal place of business is located in New York, New York and that Fox Corporation's stock is traded on NASDAQ, a New-York based stock exchange. To the extent the allegations contained in Paragraph 29 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies allegation of a disinformation campaign, and denies the remaining allegations contained in Paragraph 29.

30. Fox News denies the allegation of a disinformation campaign. Fox News admits that Fox News Network LLC's principal place of business is located in New York, New York. By way of further response, Fox News does not dispute that the Court has personal jurisdiction over Fox News Network, LLC in this matter. Fox News denies that it broadcasted, cablecasted, or published "defamatory and disparaging statements" and that it "used the disinformation campaign to solicit viewers and readers." The remaining allegations contained in Paragraph 30 contain conclusions of law to which no response is required. To the extent a response is required, Fox News denies the remaining allegations contained in Paragraph 30.

31. To the extent the allegations contained in Paragraph 31 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegations contained in the second sentence of Paragraph 31 and denies that Mr. Dobbs engaged in a

disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 31 and therefore denies them.

32. To the extent the allegations contained in Paragraph 32 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegations contained in the second sentence of Paragraph 32 and denies that Ms. Bartiromo used or engaged in a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 32 and therefore denies them.

33. The allegations in Paragraph 33 contain legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations contained in the second sentence of Paragraph 33 and denies that Ms. Pirro used or engaged in a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 33 and therefore denies them.

34. To the extent the allegations contained in Paragraph 34 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegation of a disinformation campaign and lacks knowledge and/or information of the allegations contained in Paragraph 34 concerning Mr. Giuliani and therefore denies them. Fox News denies that reporters and employees of Fox News coordinated with Mr. Giuliani regarding an alleged disinformation campaign.

35. To the extent the allegations contained in Paragraph 35 contain legal conclusions, no response is required. To the extent a response is required, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 35 concerning Ms. Powell and therefore denies them. Fox News denies that reporters and employees of Fox News coordinated with Ms. Powell regarding an alleged disinformation campaign.

36. To the extent the allegations contained in Paragraph 36 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 36, except Fox News lacks knowledge and/or information of the allegations contained in Paragraph 36 concerning Ms. Powell and Mr. Giuliani and therefore denies them.

37. Fox News denies the allegations contained in Paragraph 37.

38. The allegations contained in Paragraph 38 contain conclusions of law to which no response is required. By way of further response, for purposes of this matter, Fox News does not dispute that venue is proper in this Court. Fox News denies the remaining allegations contained in Paragraph 38.

39. Fox News denies the allegations contained in Paragraph 39.

40. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 40 and therefore denies them.

41. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 41 and therefore denies them.

42. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 42 and therefore denies them.

43. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 43 and therefore denies them.

44. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 44 and therefore denies them.

45. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 45 and therefore denies them.

46. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 46 and therefore denies them.

47. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 47 and therefore denies them.

48. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 48 and therefore denies them.

49. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 49 and therefore denies them.

50. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 50 and therefore denies them.

51. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 51 and therefore denies them.

52. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 52 and therefore denies them.

53. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 53 and therefore denies them.

54. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 54 and therefore denies them.

55. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 55 and therefore denies them.

56. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 56 and therefore denies them.

57. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 57 and therefore denies them.

58. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 58 and therefore denies them.

59. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 59 and therefore denies them.

60. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 60 and therefore denies them.

61. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 61 and therefore denies them.

62. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 62 and therefore denies them.

63. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 63 and therefore denies them.

64. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 64 and therefore denies them.

65. To the extent the allegations contained in Paragraph 65 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 65 and therefore denies them.

66. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 66 and therefore denies them.

67. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 67 and therefore denies them.

68. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 68 and therefore denies them.

69. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 69 and therefore denies them.

70. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 70 and therefore denies them.

71. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 71 and therefore denies them.

72. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 72 and therefore denies them.

73. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 73 and therefore denies them.

74. To the extent the allegations contained in Paragraph 74 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 74 and therefore denies them.

75. To the extent the allegations contained in Paragraph 75 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 75 and therefore denies them.

76. To the extent the allegations contained in Paragraph 76 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 76 and therefore denies them.

77. To the extent the allegations contained in Paragraph 77 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 77 and therefore denies them.

78. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 78 and therefore denies them.

79. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 79 and therefore denies them.

80. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 80 and therefore denies them.

81. To the extent the allegations contained in Paragraph 81 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, Fox News lacks knowledge and/or information of the allegations contained in Paragraph 81 and therefore denies them.

82. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 82 and therefore denies them, except that Fox News denies the allegation of a disinformation campaign.

83. Fox News states that Congress certified Joe Biden and Kamala Harris as the winners of the 2020 election for President and Vice President of the United States with more

electoral votes than those secured by Donald Trump and Mike Pence. To the extent the allegations contained in in the last sentence of Paragraph 83 and footnote 5 purport to quote and/or summarize written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

84. To the extent the allegations contained in Paragraph 84 purport to quote and/or summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied.

85. To the extent the allegations contained in Paragraph 85 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied.

86. To the extent the allegations contained in Paragraph 86 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied.

87. To the extent the allegations contained in Paragraph 87 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied.

88. To the extent the allegations contained in Paragraph 88 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize the document, such allegations are denied.

89. Fox News states that the 2020 U.S. election for President and Vice President was subject to controversy and that there were lawsuits challenging the legitimacy of the election, but that Congress nevertheless certified Joe Biden and Kamala Harris as the winners of that election.

Fox News is not responsible for administering elections and therefore lacks knowledge and/or information of the allegations contained in Paragraph 89 and therefore denies them.

90. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 90 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

91. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 91 concerning President Trump, Vice President Pence, Mr. Giuliani, and Ms. Powell and therefore denies them.

92. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 92 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

93. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 93 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

94. Fox News denies the allegations contained in the second and third sentences of Paragraph 94, and otherwise lacks knowledge and/or information concerning the remaining allegations in contained Paragraph 94 and therefore denies them.

95. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 95 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

96. Fox News lacks knowledge and/or information of the allegations concerning Mr. Giuliani and Ms. Powell and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 96.

97. Fox News admits that Mr. Giuliani appeared on the November 12, 2020 episode of *Lou Dobbs Tonight*. To the extent the allegations contained in Paragraph 97 and footnote 6 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded

program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 97 and footnote 6.

98. To the extent the allegations contained in Paragraph 98 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 98.

99. To the extent the allegations contained in Paragraph 99 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 99.

100. To the extent the allegations contained in Paragraph 100 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 100.

101. Fox News denies the allegations contained in Paragraph 101.

102. Fox News admits that Ms. Powell appeared on the episode of *Justice with Judge Jeanine* that aired on November 14, 2020. To the extent the allegations contained in Paragraph 102 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 102.

103. To the extent the allegations contained in Paragraph 103 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required.

To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 103.

104. To the extent the allegations contained in Paragraph 104 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 104.

105. Fox News admits that Mr. Giuliani and Ms. Powell appeared on the episode of *Sunday Morning Futures with Maria Bartiromo* that aired on November 15, 2020. To the extent the allegations contained in Paragraph 105 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 105.

106. To the extent the allegations contained in Paragraph 106 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 106.

107. To the extent the allegations contained in Paragraph 107 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations

are denied. Fox News denies the existence of a false narrative and otherwise denies the remaining allegations contained in Paragraph 107.

108. To the extent the allegations contained in Paragraph 108 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 108.

109. To the extent the allegations contained in Paragraph 109 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 109.

110. To the extent the allegations contained in Paragraph 110 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 110.

111. Fox News admits that an episode of *Lou Dobbs Tonight* aired on November 16, 2020. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 111 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 111.

112. Fox News admits that Ms. Powell appeared on the episode of *Lou Dobbs Tonight* that aired on November 16, 2020. To the extent the allegations contained in Paragraph 112 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no

response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 112.

113. To the extent the allegations contained in Paragraph 113 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of spreading disinformation and denies the remaining allegations contained in Paragraph 113.

114. Fox News admits that Mr. Giuliani appeared on the episode of *Mornings with Maria* that aired on November 17, 2020. To the extent the allegations contained in Paragraph 114 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied.

115. To the extent the allegations contained in Paragraph 115 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied.

116. Fox News admits that Mr. Giuliani appeared on the episode of *Lou Dobbs Tonight* that aired on November 18, 2020. To the extent the allegations contained in Paragraph 116 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 116.

117. Fox News denies the allegation of a false narrative. To the extent the allegations contained in Paragraph 117 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 117.

118. To the extent the allegations contained in Paragraph 118 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 118.

119. Fox News denies the allegation of a disinformation campaign. Fox News admits that an episode of *Lou Dobbs Tonight* aired on November 19, 2020 and that the episode included clips of a press conference held by Mr. Giuliani. To the extent the allegations contained in Paragraph 119 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 119.

120. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 120 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 120.

121. To the extent the allegations contained in Paragraph 121 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required.

To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 121.

122. Fox News admits that an episode of *Justice with Judge Jeanine* aired on November 21, 2020. To the extent the allegations contained in Paragraph 122 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 122.

123. Fox News admits that Mr. Dobbs appeared on the episode of *Watters' World* that aired on November 21, 2020. To the extent the allegations contained in Paragraph 123 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 123.

124. Fox News admits that Alan Dershowitz appeared on the episode of *Sunday Morning Futures with Maria Bartiromo* that aired on November 22, 2020. To the extent the allegations contained in Paragraph 124 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 124.

125. To the extent the allegations contained in Paragraph 125 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required.

To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 125.

126. Fox News admits that an episode of *Lou Dobbs Tonight* aired on November 26, 2020. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 126 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 126.

127. Fox News admits that Ms. Powell appeared on the episode of *Lou Dobbs Tonight* that aired on December 10, 2020. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 127 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 127.

128. To the extent the allegations contained in Paragraph 128 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied.

129. To the extent the allegations contained in Paragraph 129 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 129.

130. Mr. Dobbs' exchange with Ms. Powell also was telling for what did not take place during the program. Ms. Powell did not present evidence. Mr. Dobbs and Ms. Powell had the following exchange:

130. To the extent the allegations contained in Paragraph 130 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize that video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 130.

131. Fox News lacks knowledge as to the first three sentences of Paragraph 131 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 131.

132. Fox News admits that a prerecorded interview with Eddie Perez, a Global Director at the Open Source Election Technology Institute, aired on the December 18, 2020 episode of *Lou Dobbs Tonight*, the December 20, 2020 episode of *Sunday Morning Futures with Maria Bartiromo*, and the December 20, 2020 episode of *Justice with Judge Jeanine*. To the extent the allegations contained in Paragraph 132 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 132.

133. To the extent the allegations contained in Paragraph 133 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 133.

134. To the extent the allegations contained in Paragraph 134 purport to quote and/or summarize video-recorded programs, documents, social media posts, or written texts, those

materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 134.

135. Fox News admits that *Sunday Morning Futures with Maria Bartiromo* and *Mornings with Maria* are national shows for Fox News and Fox Business, respectively, and that *Lou Dobbs Tonight* and *Justice with Judge Jeanine* were previously national shows on Fox Business and Fox News, respectively. To the extent the allegations contained in Paragraph 135 regarding Fox News's viewership purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 135.

136. To the extent the allegations contained in Paragraph 136 regarding Fox News's website viewership base purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 136.

137. Fox News admits that Mr. Dobbs, Ms. Bartiromo, and Ms. Pirro have a significant number of followers on Facebook and Twitter. Fox News denies the allegation of a disinformation campaign, denies all remaining allegations contained in Paragraph 137 as they pertain to Fox News, and otherwise lacks knowledge and/or information of the remaining allegations contained in Paragraph 137 and therefore denies them.

138. Fox News admits that Mr. Dobbs has used the hashtags #MAGA, #AmericaFirst, and #Dobbs in social media postings. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 138.

139. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 139 concerning Mr. Giuliani and Ms. Powell and therefore denies them.

140. To the extent the allegations contained in Paragraph 140 contain legal conclusions, no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 140.

141. To the extent the allegations contained in Paragraph 141 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 141.

142. To the extent the allegations contained in Paragraph 142 purport to quote and/or summarize written video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those written video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 142.

143. To the extent the allegations contained in Paragraph 143 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such

allegations are denied. To the extent the allegations contained in Paragraph 143 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 143.

144. To the extent the allegations contained in Paragraph 144 contain legal conclusions, no response is required. Moreover, to the extent the allegations contained in Paragraph 144 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. To the extent the allegations relate to statements and alleged obligations of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 144.

145. To the extent the allegations contained in Paragraph 145 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. To the extent the allegations contained in Paragraph 145 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 145.

146. To the extent the allegations contained in Paragraph 146 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written

texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 146.

147. Fox News denies the existence of a disinformation campaign. Fox News denies the remaining allegations contained in Paragraph 147 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 147 and therefore denies them.

148. The statements contained in Paragraph 148 are not allegations. As such, no response is required. To the extent this Complaint purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied.

Fox News notes that, according to the allegations in Paragraph 148, the allegations set forth in Section II(F) and Section IV of the Amended Complaint purport to quote or summarize articles, court filings, and other written materials, to which no response is required. Fox News therefore will reply accordingly in the appropriate paragraphs of this Answer.

149. To the extent Paragraph 149 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied.

150. Fox News denies the existence of a disinformation campaign. Fox News admits that Rupert Murdoch is the Chair of Fox Corporation and holds the title of Executive Chair of Fox News Network LLC (although senior day-to-day management of Fox News Network, LLC is handled by others). Fox News also admits that Lachlan Murdoch is the Executive Chair and Chief Executive Officer of Fox Corporation. Fox News further states that Rupert Murdoch and Lachlan

Murdoch are included on the list of Fox News Media Executive Leadership, as currently listed on the Fox News Media website. Fox News also states that on February 4, 2021, the same webpage included Rupert Murdoch and Lachlan Murdoch on a list of “Fox News Executive Staff.” Fox News denies the remaining allegations contained in Paragraph 150.

151. Fox News denies the existence of a “disinformation campaign.” To the extent Paragraph 151 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied.

152. To the extent Paragraph 152 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied, except Fox News admits that each listed individual has the responsibilities and authority appropriate to his or her position and office.

153. Fox News denies the existence of a disinformation campaign. To the extent Paragraph 153 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 153, and otherwise lacks knowledge and/or information of the allegations in Paragraph 153.

154. Fox News denies the existence of a disinformation campaign. To the extent Paragraph 154 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the allegations in Paragraph 154 as it pertains to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 154 and therefore denies them.

155. To the extent Paragraph 155 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 155, except Fox News admits that each listed individual has the responsibilities and authority appropriate to his position and office.

156. To the extent Paragraph 156 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 156.

157. Fox News denies the allegation of a disinformation campaign. To the extent Paragraph 157 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to

characterize those materials, such allegations are denied, except Fox News admits that each listed individual has the responsibilities and authority appropriate to his position and office.

158. To the extent Paragraph 158 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 158, except Fox News admits that each listed individual has the responsibilities and authority appropriate to his position and office

159. Fox News denies that it published or publishes disinformation. To the extent Paragraph 159 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 159, except Fox News admits that each listed individual has the responsibilities and authority appropriate to his position and office

160. To the extent Paragraph 160 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 160 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 160 and therefore denies them.

161. To the extent Paragraph 161 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 161 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 161 and therefore denies them.

162. To the extent Paragraph 162 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 162 and therefore denies them.

163. To the extent Paragraph 163 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 163 and therefore denies them.

164. To the extent Paragraph 164 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a

further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 164 and therefore denies them.

165. To the extent Paragraph 165 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 165 and therefore denies them.

166. Fox News admits that it called Arizona for Joe Biden and that it did not retract that call. To the extent Paragraph 166 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 166 and therefore denies them.

167. Fox News admits that ratings provide information regarding audience size. To the extent Paragraph 167 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 167 and therefore denies them.

168. To the extent Paragraph 168 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 168 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 168 and therefore denies them.

169. Fox News admits that it called Arizona for Joe Biden. To the extent Paragraph 169 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 169 and therefore denies them.

170. To the extent Paragraph 170 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News lacks knowledge and/or information of the remaining allegations in Paragraph 170 and therefore denies them.

171. To the extent Paragraph 171 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent

these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 171 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 171 and therefore denies them.

172. To the extent Paragraph 172 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 172 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 172 and therefore denies them.

173. To the extent Paragraph 173 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 173 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 173 and therefore denies them.

174. Fox News denies that it embraced disinformation. Fox News further denies the allegations contained in Paragraph 174 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 174 and therefore denies them.

175. Fox News denies the existence of a disinformation campaign. Fox News further denies the allegations contained in Paragraph 175 as they pertain to it, and otherwise lacks

knowledge and/or information of the remaining allegations in Paragraph 175 and therefore denies them.

176. To the extent Paragraph 176 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 176 as they pertain to it.

177. To the extent Paragraph 177 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 177 as they pertain to it.

178. Fox News denied that it engaged in a disinformation strategy. To the extent Paragraph 178 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 178 as they pertain to it.

179. Fox News admits that Maria Bartiromo was the first journalist to interview President Trump after the 2020 Presidential Election. To the extent Paragraph 179 purports to quote and/or summarize articles, court filings, and other written material, including those cited in

Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 179 as they pertain to it.

180. To the extent Paragraph 180 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the allegation of a disinformation campaign, and denies the remaining allegations in Paragraph 180 as they pertain to it.

181. Fox News denies that it embraced disinformation following the 2020 Presidential Election. To the extent Paragraph 181 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 181 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 181 and therefore denies them.

182. Fox News denies the allegation of a disinformation campaign. To the extent the allegations in Paragraph 182 purport to quote and/or summarize written documents, including those cited in Paragraph 182 and Paragraph 148, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. To the extent a further response is required, Fox News denies the remaining

allegations in Paragraph 182 as they pertain to it, and otherwise lacks knowledge and/or information of the remaining allegations in Paragraph 182 and therefore denies them.

183. Fox News denies the allegation of a disinformation campaign. To the extent the allegations in Paragraph 183 purport to summarize written documents, including those cited in Paragraph 182 and Paragraph 48, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 183 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 183 and therefore denies them.

184. Fox News denies that the statements made about Smartmatic were lies. Fox News lacks knowledge and/or information contained in the bullet points in Paragraph 184 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 184.

185. Fox News denies the allegations contained in Paragraph 185.

186. Fox News denies the allegations contained in Paragraph 186.

187. To the extent the allegations contained in Paragraph 187 purport to quote and/or summarize video-recorded programs, the videotapes speaks for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs such allegations are denied. To the extent the allegations contained in Paragraph 187 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 187.

188. Fox News states that the allegations contained in the first two sentences of Paragraph 188 are legal conclusions to which no response is required. To the extent a further

response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 188. Fox News denies the remaining allegations contained in Paragraph 188.

189. Fox News denies the allegations contained in Paragraph 189, except Fox News lacks knowledge and/or information concerning the beliefs of individuals other than Fox News employees and therefore denies the allegations contained in the first sentence of Paragraph 189.

190. Fox News denies the allegations contained in Paragraph 190, except Fox News lacks knowledge and/or information of the allegations contained in the second and third sentences of Paragraph 190 and therefore denies those allegations.

191. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 191 and therefore denies them.

192. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 192 and therefore denies them.

193. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 193 and therefore denies them.

194. To the extent the allegations contained in Paragraph 194 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 194.

195. To the extent the allegations contained in Paragraph 195 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. To the extent the allegations contained in Paragraph 195 relate

to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 195.

196. Fox News states that the allegations contained in the first two sentences of Paragraph 196 are legal conclusions to which no response is required. To the extent a further response is required, Fox News denies the allegations contained in Paragraph 196.

197. Fox News lacks knowledge and/or information about the beliefs of individuals who are not Fox News employees and therefore denies the allegations contained in the first sentence of Paragraph 197. Fox News denies the remaining allegations contained in Paragraph 197.

198. Fox News denies the allegations contained in the first sentence of Paragraph 198. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 198 and therefore denies them.

199. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 199 and therefore denies them.

200. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 200 and therefore denies them.

201. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 201 and therefore denies them.

202. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 202 and therefore denies them.

203. Fox News denies the allegations contained in Paragraph 203, except Fox News lacks knowledge and/or information of the allegations contained in the first sentence of Paragraph

203 concerning the motivations and/or intentions of Mr. Giuliani and Ms. Powell and therefore denies them.

204. To the extent the allegations contained in Paragraph 204 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. To the extent the allegations contained in Paragraph 204 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 204.

205. Fox News states that the allegations contained in the first two sentences of Paragraph 205 are legal conclusions to which no response is required. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 205. Fox News denies the remaining allegations contained in Paragraph 205.

206. Fox News denies the allegations contained in Paragraph 206, except Fox News lacks knowledge and/or information of the beliefs of individuals other than Fox News employees and therefore denies the allegations contained in the first sentence of Paragraph 206.

207. Fox News denies the allegations contained in the first sentence of Paragraph 207. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 207 and therefore denies them.

208. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 208 and therefore denies them.

209. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 209 and therefore denies them.

210. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 210 and therefore denies them.

211. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 211 and therefore denies them.

212. Fox News denies the allegations contained in Paragraph 212.

213. To the extent the allegations contained in Paragraph 213 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. To the extent the allegations contained in Paragraph 213 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 213.

214. Fox News states that publication is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first two sentences of Paragraph 214 are legal conclusions to which no response is required. Fox News states that it sometimes posts transcripts and/or videos of its programs on its website, that its hosts sometimes post transcripts and/or videos of their programs on social media, and that individuals sometimes post content originally posted by Fox News on their personal social media accounts. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 214. Fox News denies the remaining allegations contained in Paragraph 214.

215. Fox News denies the allegations contained in Paragraph 215, except Fox News lacks knowledge and/or information regarding the beliefs of individuals who heard and read Defendants' statements and therefore denies the allegations contained in the first sentence of Paragraph 215.

216. Fox News denies the allegations contained in the first sentence of Paragraph 216. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 216 and therefore denies them.

217. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 217 and therefore denies them.

218. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 218 and therefore denies them.

219. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 219 and therefore denies them.

220. To the extent the allegations contained in Paragraph 220 purport to quote and/or summarize video-recorded programs, documents, social media posts, and/or written texts, those materials speak for themselves, and no response is required. To the extent these allegations seek to characterize those video-recorded programs, documents, social media posts, and/or written texts, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 220.

221. To the extent the allegations contained in Paragraph 221 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. To the extent the allegations contained in Paragraph 221 relate to

statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 221.

222. Fox News states that publication is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first two sentences of Paragraph 222 are legal conclusions to which no response is required. Fox News states that it sometimes posts transcripts and/or videos of its programs on its website, that its hosts sometimes post transcripts and/or videos of their programs on social media, and that individuals sometimes post content originally posted by Fox News on their personal social media accounts. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 222. Fox News denies the remaining allegations contained in Paragraph 222.

223. Fox News denies the allegations contained in Paragraph 223, except Fox News lacks knowledge and/or information regarding the beliefs of individuals who heard and read Defendants' statements and therefore denies the allegations contained in the first sentence of Paragraph 223.

224. Fox News denies the allegations contained in the first sentence of Paragraph 224. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 224 and therefore denies them.

225. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 225 and therefore denies them.

226. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 226 and therefore denies them.

227. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 227 and therefore denies them.

228. To the extent the allegations contained in Paragraph 228 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 228.

229. To the extent the allegations contained in Paragraph 229 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. To the extent the allegations contained in Paragraph 229 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 229.

230. Fox News states that publication is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first two sentences of Paragraph 230 are legal conclusions to which no response is required. Fox News states that it sometimes posts transcripts and/or videos of its programs on its website, that its hosts sometimes post transcripts and/or videos of their programs on social media, and that individuals sometimes post content originally posted by Fox News on their personal social media accounts. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 230. Fox News denies the remaining allegations contained in Paragraph 230.

231. Fox News denies the allegations contained in Paragraph 231, except Fox News lacks knowledge and/or information regarding the beliefs of individuals who heard and read

Defendants' statements and therefore denies the allegations contained in the first sentence of Paragraph 231.

232. Fox News denies the allegations contained in the first sentence of Paragraph 232. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 232 and therefore denies them.

233. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 233 and therefore denies them.

234. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 234 and therefore denies them.

235. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 235 and therefore denies them.

236. To the extent the allegations contained in Paragraph 236 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response is required. To the extent the allegations seek to characterize these video-recorded programs, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 236.

237. To the extent the allegations contained in Paragraph 237 purport to quote and/or summarize video-recorded programs, the videotapes speaks for themselves, and no response is required. To the extent these allegations seek to characterize these video-recorded programs, such allegations are denied. To the extent the allegations contained in Paragraph 237 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 237.

238. Fox News states that publication is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first two sentences of Paragraph 238 are legal conclusions to which no response is required. Fox News states that it sometimes posts transcripts and/or videos of its programs on its website, that its hosts sometimes post transcripts and/or videos of their programs on social media, and that individuals sometimes post content originally posted by Fox News on their personal social media accounts. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 238. Fox News denies the remaining allegations contained in Paragraph 238.

239. Fox News denies the allegations contained in Paragraph 239, except Fox News lacks knowledge and/or information regarding the beliefs of individuals who heard and read Defendants' statements and therefore denies the allegations contained in the first sentence of Paragraph 239.

240. Fox News denies the allegations contained in the first sentence of Paragraph 240. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 240 and therefore denies them.

241. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 241 and therefore denies them.

242. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 242 and therefore denies them.

243. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 243 and therefore denies them.

244. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 244 and therefore denies them.

245. Fox News denies the allegations contained in Paragraph 245.

246. To the extent the allegations contained in Paragraph 246 purport to quote and/or summarize documents, social media posts, or video-recorded programs, those documents, social media posts, and video-recorded programs speak for themselves, and no response is required. To the extent these allegations seek to characterize this record, such allegations are denied. To the extent the allegations contained in Paragraph 246 relate to statements and intentions of individuals other than Fox News employees, Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 246.

247. Fox News states that publication is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first two sentences of Paragraph 247 are legal conclusions to which no response is required. Fox News further states that it sometimes posts transcripts and/or videos of its programs on its website, that its hosts sometimes post transcripts and/or videos of their programs on social media, and that individuals sometimes post content originally posted by Fox News on their personal social media accounts. To the extent a further response is required, Fox News denies the allegations contained in the first two sentences of Paragraph 247. Fox News denies the remaining allegations contained in Paragraph 247.

248. Fox News denies the allegations contained in Paragraph 248, except Fox News lacks knowledge and/or information of beliefs of individuals who heard and read Defendants' statements and therefore denies the allegations contained in the first sentence of Paragraph 248.

249. Fox News denies the allegations contained in the first sentence of Paragraph 249. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 249 and therefore denies them.

250. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 250 and therefore denies them.

251. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 251 and therefore denies them.

252. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 252 and therefore denies them.

253. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 253 and therefore deny them.

254. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 254 and therefore denies them.

255. Fox News denies the allegations contained in Paragraph 255 and footnote 7.

256. Fox News denies that it published false claims and/or acted with reckless disregard for whether the statements and implications were true. To the extent Paragraph 256 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 256 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 256 and therefore denies them.

257. The allegation contained in the first sentence of Paragraph 257 is a legal conclusion to which no response is required. To the extent a response is required, Fox News denies the allegations contained in the first sentence of Paragraph 257. To the extent the allegations contained in Paragraph 257 concern the information known or the beliefs held by Mr. Giuliani or Ms. Powell,

Fox News lacks knowledge and/or information of those allegations and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 257.

258. To the extent Paragraph 258 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 258 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 258 and therefore denies them.

259. Fox News denies that it published or republished false statements or implications about Smartmatic. Fox News likewise denies that it participated in a disinformation campaign. To the extent Paragraph 259 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 259 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 259 and therefore denies them.

260. Fox News denies the allegations contained in Paragraph 260.

261. Fox News denies the allegations contained in Paragraph 261 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 261 and therefore denies them.

262. Fox News denies the allegations contained in Paragraph 262.

263. Fox News denies the allegations contained in Paragraph 263.

264. Fox News denies the allegations contained in Paragraph 264.

265. Fox News denies the allegations contained in Paragraph 265.

266. Fox News denies the allegations contained in Paragraph 266.

267. Fox News denies the allegations contained in Paragraph 267.

268. Fox News denies the allegations contained in Paragraph 268.

269. Fox News denies the allegations contained in Paragraph 269.

270. Fox News denies the allegations contained in Paragraph 270.

271. Fox News denies the allegations contained in Paragraph 271.

272. Fox News admits that Smartmatic sent a 20-page letter to Fox News that was dated December 10, 2020. To the extent the allegations contained in Paragraph 272 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News states that retraction is a relevant legal concept in a defamation case. Therefore, the allegations contained the last sentence of Paragraph 272 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies those allegations. Fox News denies the remaining allegations contained in Paragraph 272.

273. Fox News states that retraction is a relevant legal concept in a defamation case. Therefore, the allegations contained in the first sentence of Paragraph 273 is a legal conclusion to which no response is required. To the extent a response is required, Fox News denies the allegations contained in the first sentence of Paragraph 273. Fox News admits that Lou Dobbs appeared on an episode of *Lou Dobbs Tonight* that aired on December 18, 2020. To the extent the allegations contained in Paragraph 273 purport to quote and/or summarize a video-recorded

program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 273.

274. To the extent the allegations contained in Paragraph 274 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 274.

275. Fox News admits that a pre-recorded interview with Mr. Perez was played on the episode of *Lou Dobbs Tonight* that aired on December 18, 2020. To the extent the allegations contained in Paragraph 275 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 275.

276. Fox News admits that Lisa Boothe guest hosted the episode of *Justice with Judge Jeanine* that aired on December 20, 2020. Fox News further admits that a pre-recorded interview with Mr. Perez was played on that program. To the extent the allegations contained in Paragraph 276 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 276.

277. To the extent the allegations contained in Paragraph 277 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required.

To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 277.

278. To the extent the allegations contained in Paragraph 278 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 278.

279. Fox News admits that an episode of *Sunday Morning Futures with Maria Bartiromo* aired on December 20, 2020. To the extent the allegations contained in Paragraph 279 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 279.

280. To the extent the allegations contained in Paragraph 280 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 280.

281. Fox News admits that a pre-recorded interview with Mr. Perez was played on the episode of *Sunday Morning Futures with Maria Bartiromo* that aired on December 20, 2020. To the extent the allegations contained in Paragraph 281 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these

282. Fox News denies the allegations contained in Paragraph 282.

283. Fox News denies that it published false and defamatory statements about Smartmatic. To the extent Paragraph 283 purports to quote and/or summarize articles, court

filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 283 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 283 and therefore denies them.

284. Fox News lacks knowledge and/or information of the allegations contained in the first sentence of Paragraph 284 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 284.

285. Fox News admits that Jesse Watters hosted the episode of *Watters' World* that aired on November 21, 2020. Fox News further admits that Mr. Dobbs appeared and that Mr. Watters played video clips of Ms. Powell on that episode. To the extent the allegations contained in Paragraph 285 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 285.

286. To the extent the allegations contained in Paragraph 286 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 286.

287. To the extent the allegations contained in Paragraph 287 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required.

To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 287.

288. To the extent the allegations contained in Paragraph 288 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 288.

289. Fox News denies the allegation of a disinformation campaign and denies the allegations contained in Paragraph 289.

290. Fox News denies the allegations contained in Paragraph 290.

291. Fox News admits that Eric Shawn is a New York-based anchor and senior correspondent for Fox News. Fox News further admits that he appeared on Fox News on November 15, 2020. To the extent the allegations contained in Paragraph 291 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 291.

292. Fox News denies the allegations contained in Paragraph 292.

293. Fox News admits that Tucker Carlson is a prominent host and that he wrote an article titled, "Tucker Carlson: Time for Sidney Powell to show us her evidence," which was posted on Fox News's website on November 19, 2020. To the extent the allegations contained in Paragraph 293 purport to summarize a written document, the document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 293.

294. Fox News admits that Tucker Carlson is a respected figure within Fox News. Fox News denies the remaining allegations contained in Paragraph 294.

295. To the extent Paragraph 295 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 295 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 295 and therefore denies them.

296. Fox News denies that it engaged in a disinformation campaign. To the extent Paragraph 296 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 296 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 296 and therefore denies them.

297. Fox News denies that it engaged in a disinformation campaign. To the extent Paragraph 297 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 297 as they pertain to it, and

otherwise lacks knowledge and/or information of the allegations in Paragraph 297 and therefore denies them.

298. To the extent Paragraph 298 purports to quote and/or summarize the articles, court filings, and other written material cited in Paragraph 298 and/or 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. Fox News denies the remaining allegations in Paragraph 298 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 298 and therefore denies them.

299. To the extent Paragraph 299 purports to quote and/or summarize the articles, court filings, and other written material cited in Paragraph 299 and/or 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied.

300. To the extent Paragraph 300 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 300 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 300 and therefore denies them.

301. Fox News denies the allegations contained in Paragraph 301.

302. News denies the allegations in Paragraph 302 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 302 and therefore denies them.

303. Fox News admits that one of its employees contacted Smartmatic on November 16, 2020. To the extent the allegations contained in Paragraph 303 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 303.

304. Fox News admits that on November 16, 2020, one of its employees contacted Smartmatic and asked about Smartmatic's election technology, and that on November 17, at least one of its employees asked whether Smartmatic had any comment on CISA's November 12 statement. To the extent the allegations contained in Paragraph 304 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 304.

305. Fox News admits that on and after December 18, 2020, it aired an interview with an election-technology expert, Eddie Perez of the Open Source Election Technology Institute. Fox News denies the remaining allegations contained in Paragraph 305.

306. Fox News admits that it interviewed various cybersecurity and election technology experts on air, including on issues related to the election process and voting machines, in 2018, 2019, and 2020. Fox News denies the remaining allegations contained in Paragraph 306.

307. To the extent Paragraph 307 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent

these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 307.

308. Fox News denies the allegations contained in Paragraph 308 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 308 and therefore denies them.

309. Fox News denies the allegations contained in Paragraph 309 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 309 and therefore denies them.

310. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 310 and therefore denies them.

311. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 311 and therefore denies them.

312. Fox News admits that Mr. Giuliani appeared on the episode of *Lou Dobbs Tonight* that aired on November 12, 2020. To the extent the allegations contained in Paragraph 312 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 312.

313. To the extent the allegations contained in Paragraph 313 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations

are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 313 and therefore denies them.

314. Fox News admits that Mr. Giuliani appeared on the episode of *Sunday Morning Futures* that aired on November 15, 2020. To the extent the allegations contained in Paragraph 314 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 314.

315. Fox News lacks knowledge and/or information of the allegations contained in the first sentence of Paragraph 315 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 315.

316. To the extent the allegations contained in Paragraph 316 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 316 and therefore denies them.

317. To the extent the allegations contained in Paragraph 317 and footnote 8 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 317 and footnote 8 and therefore denies them.

318. To the extent the allegations contained in Paragraph 318 and footnotes 9-11 purport to summarize written documents, those documents speak for themselves, and no response is

required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 318 and footnotes 9-11 and therefore denies them.

319. To the extent the allegations contained in Paragraph 319 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 319 and therefore denies them.

320. To the extent the allegations contained in Paragraph 320 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 320 and therefore denies them.

321. To the extent the allegations contained in Paragraph 321 and footnote 12 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 321 and footnote 12 and therefore denies them.

322. Fox News denies the allegation of a “disinformation campaign.” To the extent the allegations contained in Paragraph 322 and footnotes 13-14 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News

otherwise lacks knowledge and/or information of the allegations contained in Paragraph 322 and footnotes 13-14 and therefore denies them.

323. To the extent the allegations contained in Paragraph 323 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 323 and therefore denies them.

324. Fox News denies the allegation of a “disinformation campaign.” To the extent the allegations contained in Paragraph 324 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 324 and therefore denies them.

325. Fox News denies the allegation of a “disinformation campaign.” To the extent the allegations contained in Paragraph 325 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 325 and therefore denies them.

326. Fox News denies the allegation of a “disinformation campaign.” To the extent the allegations contained in Paragraph 326 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 326 and therefore denies them.

327. Fox News denies the allegation of a “disinformation campaign.” To the extent the allegations contained in Paragraph 327 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 327 and therefore denies them.

328. To the extent the allegations contained in Paragraph 328 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 328 and therefore denies them.

329. Fox News admits that its November 16, 2020 communication to Smartmatic references pages from Smartmatic’s website. To the extent the allegations contained in Paragraph 329 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 329.

330. Fox News denies the allegations contained in Paragraph 330.

331. Fox News admits that Smartmatic claimed in a November 2020 email to one Fox News employee that Smartmatic provided election technology only to Los Angeles County during the 2020 U.S. presidential election. To the extent the allegations contained in Paragraph 331 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 331.

332. Fox News admits that, on November 16, 2020, Smartmatic responded within one hour to an email from a Fox News employee. To the extent the allegations contained in Paragraph 332 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

333. Fox News admits that, on November 17, 2020, Smartmatic responded within two hours to an email from a Fox News employee. To the extent the allegations contained in Paragraph 333 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

334. To the extent the allegations contained in Paragraph 334 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies remaining the allegations contained in Paragraph 334.

335. To the extent the allegations contained in Paragraph 335 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 335 and therefore denies them.

336. To the extent the allegations contained in Paragraph 336 and footnote 15 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

Fox News lacks knowledge and/or information of the allegations contained in Paragraph 336 and footnote 15 and therefore denies them.

337. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 337 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 337 and therefore denies them.

338. Fox News denies the allegations contained in Paragraph 338 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 338 and therefore denies them.

339. Fox News denies the allegations contained in Paragraph 339.

340. To the extent the allegations contained in Paragraph 340 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News otherwise denies the allegations contained in Paragraph 340.

341. To the extent the allegations contained in Paragraph 341 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 341 and therefore denies them.

342. To the extent the allegations contained in Paragraph 342 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks

knowledge and/or information of the remaining allegations contained in Paragraph 342 and therefore denies them.

343. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 343 and therefore denies them.

344. To the extent the allegations contained in Paragraph 344 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 344 and therefore denies them.

345. To the extent the allegations contained in Paragraph 345 and footnote 16 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

346. To the extent the allegations contained in Paragraph 346 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

347. To the extent the allegations contained in Paragraph 347 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

348. To the extent the allegations contained in Paragraph 348 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

349. To the extent the allegations contained in Paragraph 349 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

350. To the extent the allegations contained in Paragraph 350 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them.

351. To the extent the allegations contained in Paragraph 351 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

352. To the extent the allegations contained in Paragraph 352 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

353. To the extent the allegations contained in Paragraph 353 purport to summarize written documents or recorded statements, those documents and recorded statements speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents and recorded statements, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 353 and therefore denies them.

354. To the extent the allegations contained in Paragraph 354 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

355. To the extent the allegations contained in Paragraph 355 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

356. To the extent the allegations contained in Paragraph 356 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

357. To the extent the allegations contained in Paragraph 357 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

358. To the extent the allegations contained in Paragraph 358 and footnote 17 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

359. To the extent the allegations contained in Paragraph 359 and footnote 18 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

360. To the extent the allegations contained in Paragraph 360 and footnote 19 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

361. To the extent the allegations contained in Paragraph 361 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

362. To the extent the allegations contained in Paragraph 362 and footnote 20 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

363. To the extent the allegations contained in Paragraph 363 and footnote 21 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

364. To the extent the allegations contained in Paragraph 364 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

365. To the extent the allegations contained in Paragraph 365 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied.

366. To the extent the allegations contained in Paragraph 366 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 366 and therefore denies them.

367. Fox News denies the allegations contained in Paragraph 367 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 367 and therefore denies them.

368. To the extent the allegations contained in Paragraph 368 purport to summarize written documents, those documents speak for themselves, and no response is required. To the

extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 368.

369. To the extent the allegations contained in Paragraph 369 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them. Fox News otherwise denies the remaining allegations contained in Paragraph 369.

370. To the extent the allegations contained in Paragraph 370 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 370.

371. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 371 and footnote 22 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

372. To the extent the allegations contained in Paragraph 372 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 372.

373. Fox News denies the allegations contained in Paragraph 373 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 373 and therefore denies them.

374. Fox News denies the allegation of a disinformation campaign. Fox News denies the allegations contained in the second sentence of Paragraph 374, and otherwise lacks knowledge

and/or information of the allegations contained in the first sentence of Paragraph 374 and therefore denies them.

375. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 375 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 375 and therefore denies them.

376. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 376 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 376 and therefore denies them.

377. To the extent the allegations contained in Paragraph 377 and footnotes 23-24 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News otherwise lacks knowledge and/or information of the allegations contained in Paragraph 377 and footnotes 23-24 and therefore denies them.

378. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 378 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 378 and therefore denies them.

379. To the extent the allegations contained in Paragraph 379 and footnote 25 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 379 and therefore denies them.

380. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 380 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 380 and therefore denies them.

381. Fox News denies the allegations contained in Paragraph 381 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 381 and therefore denies them.

382. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 382 and therefore denies them.

383. To the extent the allegations contained in Paragraph 383 and footnotes 26-27 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied.

384. To the extent the allegations contained in Paragraph 384 and footnote 28 purport to summarize written documents, those documents speak for themselves, and no response is required.

To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 384 and footnote 28.

385. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 385 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 385.

386. To the extent the allegations contained in Paragraph 386 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 386 and therefore denies them.

387. To the extent the allegations contained in Paragraph 387 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 387 and therefore denies them.

388. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 388 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 388.

389. To the extent the allegations contained in Paragraph 389 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 389.

390. Fox News denies the allegations contained in Paragraph 390 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 390 and therefore denies them.

391. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 391 and footnotes 29-31 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 391 and footnotes 29-31.

392. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 392 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 392.

393. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 393 and footnote 32 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 393 and footnote 32.

394. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 394 and footnotes 33-34 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 394 and footnotes 33-34.

395. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 395 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 395.

396. Fox News denies the allegations contained in Paragraph 396 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 396 and therefore denies them.

397. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 397 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 397.

398. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 398 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 398.

399. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 399 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 399.

400. To the extent the allegations contained in Paragraph 400 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 400.

401. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 401 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 401.

402. Fox News denies the allegations contained in Paragraph 352 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 402 and therefore denies them.

403. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 403 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 403.

404. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 404 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 404.

405. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 405 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 405.

406. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 406 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 406.

407. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 407 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 407.

408. The allegations contained in the first sentence of Paragraph 408 contain legal conclusions for which no response is required. To the extent a response is required, Fox News denies those allegations. To the extent Paragraph 408 purports to quote and/or summarize articles,

court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 408 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 408 and therefore denies them.

409. To the extent the allegations purport to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 409 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 409 and therefore denies them.

410. Fox News denies the allegations contained in Paragraph 410.

411. To the extent the allegations contained in Paragraph 411 purport to quote and/or summarize a video-recorded program, the videotape speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the allegations contained in Paragraph 411 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 411 and therefore denies them.

412. Fox News denies the allegations contained in Paragraph as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 412 and therefore denies them.

413. Fox News denies the allegation of a disinformation campaign and the remaining allegations contained in Paragraph 413 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 413 and therefore denies them.

414. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 414 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations contained in Paragraph 414 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 414 and therefore denies them.

415. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 415 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. To the extent a further response is required, Fox News denies the remaining allegations contained in Paragraph 415 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 415 and therefore denies them.

416. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 416 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 416 and therefore denies them.

417. To the extent the allegations contained in Paragraph 417 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the

remaining allegations contained in Paragraph 417 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 417 and therefore denies them.

418. To the extent the allegations contained in Paragraph 418 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 418 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 418 and therefore denies them.

419. To the extent the allegations contained in Paragraph 419 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 419 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 419 and therefore denies them.

420. To the extent the allegations contained in Paragraph 420 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 420.

421. Fox News denies the allegations contained in Paragraph 421 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 421 and therefore denies them.

422. Fox News admits that, from December 18-20, 2020, it aired an interview with an election-technology expert, Eddie Perez of the Open Source Election Technology Institute, on three different programs. To the extent the allegations contained in Paragraph 422 purport to quote and/or summarize video-recorded programs, the videotapes speak for themselves, and no response

is required. To the extent these allegations seek to characterize the video-recorded programs, such allegations are denied.

423. To the extent the allegations contained in Paragraph 423 purport to summarize written documents or recorded proceedings, those documents or recordings speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents or recordings, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 423 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 423 and therefore denies them.

424. Fox News denies the allegations contained in Paragraph 424 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 424 and therefore denies them.

425. To the extent the allegations contained in Paragraph 425 and footnote 35 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 425 and footnote 35 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 425 and therefore denies them.

426. Fox News denies the allegations contained in Paragraph 426 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 426 and therefore denies them.

427. To the extent the allegations contained in Paragraph 427 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied.

Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 427 and therefore denies them.

428. To the extent the allegations contained in Paragraph 428 purport to quote and/or summarize a video-recorded program, the video recording speaks for itself, and no response is required. To the extent these allegations seek to characterize this video-recorded program, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 428 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 428 and therefore denies them.

429. To the extent Paragraph 429 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 429 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 429 and therefore denies them.

430. To the extent Paragraph 430 purports to quote and/or summarize articles, court filings, and other written material, including those cited in Paragraph 148, those articles, court filings, and other written material speak for themselves, and no response is required. To the extent these allegations seek to characterize those materials, such allegations are denied. To the extent a further response is required, Fox News denies the remaining allegations in Paragraph 430 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 430 and therefore denies them.

431. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 431 and therefore denies them.

432. Fox News admits that Ms. Powell filed the lawsuits cited in Paragraph 432. To the extent the allegations contained in Paragraph 432 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied.

433. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 433, which include legal conclusions to which no response is required, and therefore denies them.

434. To the extent the allegations contained in Paragraph 434 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 434, which include legal conclusions to which no response is required, and therefore denies them.

435. To the extent the allegations contained in Paragraph 435 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 435, which include legal conclusions to which no response is required, and therefore denies them.

436. To the extent the allegations contained in Paragraph 436 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks

knowledge and/or information of the remaining allegations contained in Paragraph 436, which include legal conclusions to which no response is required, and therefore denies them.

437. To the extent the allegations contained in Paragraph 437 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 437, which include legal conclusions to which no response is required, and therefore denies them.

438. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 438, which include legal conclusions to which no response is required, and therefore denies them.

439. To the extent the allegations contained in Paragraph 439 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 439, which include legal conclusions to which no response is required, and therefore denies them.

440. To the extent the allegations contained in Paragraph 440 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 440, which include legal conclusions to which no response is required, and therefore denies them.

441. To the extent the allegations contained in Paragraph 441 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied.

Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 441, which include legal conclusions to which no response is required, and therefore denies them.

442. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 442 and therefore denies them.

443. Fox News admits that Ms. Powell filed lawsuits referencing Smartmatic. To the extent the allegations contained in Paragraph 443 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News denies the allegation of a disinformation campaign and otherwise lacks knowledge and/or information of the remaining allegations contained in Paragraph 443 and therefore denies them.

444. Fox News admits that Ms. Powell filed lawsuits referring to Smartmatic. Fox News denies the allegation that it engaged in a disinformation campaign. To the extent the allegations contained in Paragraph 444 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 444 and therefore denies them.

445. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 445 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 445.

446. To the extent the allegations contained in Paragraph 446 purport to summarize written documents, those documents speak for themselves, and no response is required. To the

extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 446 and therefore denies them.

447. To the extent the allegations contained in Paragraph 447 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 447 and therefore denies them.

448. To the extent the allegations contained in Paragraph 448 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 448, which include legal conclusions to which no response is required, and therefore denies them.

449. To the extent the allegations contained in Paragraph 449 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 449, which include legal conclusions to which no response is required, and therefore denies them.

450. To the extent the allegations contained in Paragraph 450 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 450, which include legal conclusions to which no response is required, and therefore denies them.

451. To the extent the allegations contained in Paragraph 451 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 451, which include legal conclusions to which no response is required, and therefore denies them.

452. Fox News admits that it was aware Sidney Powell had filed lawsuits. To the extent the allegations contained in Paragraph 452 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 452.

453. Fox News admits that Powell included a declaration, a statement, and an affidavit mentioning Smartmatic in court filings. To the extent the allegations contained in Paragraph 453 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 453 and therefore denies them.

454. To the extent the allegations contained in Paragraph 454 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 454, which include legal conclusions to which no response is required, and therefore denies them.

455. To the extent the allegations contained in Paragraph 455 purport to summarize written documents, those documents speak for themselves, and no response is required. To the

extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 455 and therefore denies them.

456. To the extent the allegations contained in Paragraph 456 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 456 and therefore denies them.

457. To the extent the allegations contained in Paragraph 457 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 457 and therefore denies them.

458. To the extent the allegations contained in Paragraph 458 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 458 and therefore denies them.

459. To the extent the allegations contained in Paragraph 459 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 459 and therefore denies them.

460. To the extent the allegations contained in Paragraph 460 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 460 and therefore denies them.

461. To the extent the allegations contained in Paragraph 461 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 461 and therefore denies them.

462. To the extent the allegations contained in Paragraph 462 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 462 and therefore denies them.

463. To the extent the allegations contained in Paragraph 463 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 463 and therefore denies them.

464. To the extent the allegations contained in Paragraph 464 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied.

Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 464 and therefore denies them.

465. To the extent the allegations contained in Paragraph 465 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 465 and therefore denies them.

466. To the extent the allegations contained in Paragraph 466 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 466 and therefore denies them.

467. To the extent the allegations contained in Paragraph 467 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 467 and therefore denies them.

468. To the extent the allegations contained in Paragraph 468 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 468 and therefore denies them.

469. To the extent the allegations contained in Paragraph 469 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 469 and therefore denies them.

470. To the extent the allegations contained in Paragraph 470 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 470 and therefore denies them.

471. To the extent the allegations contained in Paragraph 471 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 471 and therefore denies them.

472. To the extent the allegations contained in Paragraph 472 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 472 and therefore denies them.

473. To the extent the allegations contained in Paragraph 473 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied.

Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 473 and therefore denies them.

474. Fox News denies the allegations contained in Paragraph 474.

475. Fox News denies the allegation of a disinformation campaign, and denies the allegations contained in Paragraph 475 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 475 and therefore denies them.

476. Fox News admits that Fox News is the most watched cable news channel in history and that it is not immune to competition. To the extent the remaining allegations contained in Paragraph 476 and footnote 36 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 476 and footnote 36.

477. Fox News denies the allegations contained in Paragraph 477.

478. To the extent the allegations contained in Paragraph 478 and footnote 37 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 478 and footnote 37 and therefore denies them.

479. Fox News denies the allegations contained in Paragraph 479, except Fox News lacks knowledge and/or information of the allegations contained in the last two sentences of Paragraph 479 and therefore denies them.

480. To the extent the allegations contained in Paragraph 480 and footnote 38 purport to summarize a written document, that document speaks for itself, and no response is required. To

the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 480 and footnote 38.

481. The allegations contained in Paragraph 481 regarding Fox News's viewership and ratings purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 481.

482. Fox News denies allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 482 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 482 and therefore denies them.

483. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 483 concerning what was a "significant motivator" for Mr. Dobbs and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 483.

484. To the extent the allegations contained in Paragraph 484 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News admits that Mr. Dobbs joined Fox News in November 2010 and that he previously hosted *Lou Dobbs Tonight*. Fox News denies that Fox Business currently touts *Lou Dobbs Tonight* as "the #1 news program on business television." Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 484 and therefore denies them.

485. To the extent the allegations contained in Paragraph 485 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 485.

486. To the extent the allegations contained in Paragraph 486 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 486 and therefore denies them.

487. Fox News denies the allegation of a disinformation campaign and otherwise lacks knowledge and/or information of the allegations contained in Paragraph 487 and therefore denies them.

488. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 488 and therefore denies them.

489. Fox News admits the allegations contained in Paragraph 489.

490. Fox News admits that Ms. Bartiromo joined Fox News from CNBC. Fox News denies that Ms. Bartiromo signed a six-year contract with Fox News in 2013. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 490 and therefore denies them.

491. Fox News admits that Ms. Bartiromo hosts *Mornings with Maria* and *Sunday Morning Futures with Maria Bartiromo* and that *Mornings with Maria* covers the financial markets and that *Sunday Morning Futures* is a Sunday morning news show. Fox News lacks knowledge and/or information concerning the personal motivations of Ms. Bartiromo and therefore denies the allegations contained in the second sentence of Paragraph 491.

492. Fox News admits that it was important to Fox News that Ms. Bartiromo continues to secure important and relevant interviews with guests, and that—in some respects—exclusivity with respect to interview guests was valuable to Fox News. The allegations contained in Paragraph

492 regarding Fox News's viewership and ratings purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent the allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 492.

493. Fox News denies the allegations contained in Paragraph 493.

494. Fox News admits that Ms. Bartiromo interviewed then-President Trump on November 29, 2020, and that she has hosted *Fox News Primetime* on certain occasions since that interview. Fox News lacks knowledge and/or information of the allegations contained the sixth sentence of Paragraph 494 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 494.

495. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 495 and therefore denies them.

496. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 496 and therefore denies them.

497. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 497 and therefore denies them.

498. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 498 and therefore denies them.

499. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 499 and therefore denies them.

500. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 500 and therefore denies them.

501. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 501 and therefore denies them.

502. Fox News admits that Fox News requires its anchors, reporters, and producers to adhere to a code of conduct or ethics at all times. That code of conduct or ethics speaks for itself, and no response is required. To the extent these allegations seek to characterize that code, Fox News denies them.

503. Fox News denies the allegations contained in Paragraph 503.

504. Fox News denies the allegations contained in Paragraph 504.

505. Fox News denies the allegations contained in Paragraph 505.

506. Fox News denies the allegations contained in Paragraph 506.

507. To the extent the allegations contained in Paragraph 507 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 507.

508. Fox News denies the allegations contained in Paragraph 508.

509. Fox News denies the allegations contained in Paragraph 509.

510. Fox News denies the allegations contained in Paragraph 510.

511. Fox News denies the allegations contained in Paragraph 511.

512. To the extent the allegations contained in Paragraph 512 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, Fox News denies them. Fox News denies the remaining allegations contained in Paragraph 512.

513. Fox News denies the allegations contained in Paragraph 513.

514. Fox News denies the allegations contained in Paragraph 514.

515. Fox News denies the allegations contained in Paragraph 515.

516. To the extent the allegations contained in Paragraph 516 purport to summarize written correspondence, that correspondence speaks for itself, and no response is required. To the extent these allegations seek to characterize that correspondence, such allegations are denied. Fox News denies the allegations contained in Paragraph 516.

517. Fox News denies the allegations contained in Paragraph 517.

518. Fox News denies the allegation of a disinformation campaign and denies the remaining allegations contained in Paragraph 518.

519. Fox News denies the allegations contained in Paragraph 519, except Fox News lacks knowledge and/or information of the allegations contained in the first sentence of Paragraph 519 and therefore denies them.

520. To the extent the allegations contained in Paragraph 520 purport to summarize written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 520.

521. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 521 and therefore denies them.

522. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 522 and therefore denies them.

523. Fox News denies the allegation of a disinformation campaign and that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 523 and footnote 39 and therefore denies them.

524. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the allegations contained in the second sentence of Paragraph 524 and therefore denies them. Fox News denies the remaining allegations contained in Paragraph 524.

525. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 525 and therefore denies them.

526. Fox News denies the allegations contained in Paragraph 526, except Fox News lacks knowledge and/or information of the allegations contained in the first sentence of Paragraph 526 and therefore denies them.

527. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 527 and therefore denies them.

528. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 528 and therefore denies them.

529. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 529 and therefore denies them.

530. Fox News denies the allegations contained in Paragraph 530.

531. Fox News denies the allegations contained in the first sentence of Paragraph 531 and the existence of any “disinformation campaign.” To the extent the allegations contained in Paragraph 531 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News lacks knowledge of the remaining allegations contained in Paragraph 531 and therefore denies them.

532. To the extent the allegations contained in Paragraph 532 purport to summarize a written document, that document speaks for itself, and no response is required. To the extent these allegations seek to characterize that document, such allegations are denied. Fox News denies the remaining allegations contained in Paragraph 532.

533. Fox News denies the allegation of a disinformation campaign. To the extent the allegations contained in Paragraph 533 and footnote 40 purport to summarize written documents, social media posts, or video-recordings, those documents, social media posts, and video-recorded programs speak for themselves, and no response is required. To the extent these allegations seek to characterize those documents, social media posts, and video-recorded programs, Fox News denies such allegations. Fox News denies the remaining allegations contained in Paragraph 533 and footnote 40.

534. To the extent the allegations contained in Paragraph 534 and footnote 41 purport to summarize written documents and recorded voicemails, those documents and voicemails speak for themselves, and no response is required. To the extent these allegations seek to characterize those

documents and voicemails, such allegations are denied. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 534 and footnote 41 and therefore denies them.

535. To the extent the allegations contained in Paragraph 535 purport to summarize a recorded voicemail, that voicemail speaks for itself, and no response is required. To the extent these allegations seek to characterize that voicemail, such allegations are denied. Fox News denies the allegation of a “campaign to cast Smartmatic as the villain in their story.” Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 535 and therefore denies them.

536. Fox News denies the allegation of a “disinformation campaign.” Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 536 and therefore denies them.

537. Fox News denies the allegations contained in Paragraph 537, except Fox News lacks knowledge and/or information of the allegations contained in the first three sentences of Paragraph 537 and therefore denies them.

538. Fox News denies the allegation of a disinformation campaign in the last sentence of footnote 42. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 538 and footnote 42 and therefore denies them.

539. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 539 and therefore denies them.

540. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 540 and therefore denies them.

541. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 541 and footnote 43 and therefore denies them.

542. Fox News denies the allegations contained in the first sentence of Paragraph 542. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 542 and therefore denies them.

543. Fox News denies the allegation of a “disinformation campaign.” Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 543 and therefore denies them.

544. Fox News denies the allegations contained in the last sentence of Paragraph 544. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 544 and therefore denies them.

545. Fox News denies the allegations of disinformation, false statements, lies, and a “disinformation campaign.” Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 545 and therefore denies them.

546. Fox News denies the allegations contained in Paragraph 546 and footnote 44.

547. Fox News denies the allegations contained in the first sentence of Paragraph 547. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 547 and therefore denies them.

548. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 548 and therefore denies them.

549. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 549 and therefore denies them.

550. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 550 and therefore denies them.

551. Fox News denies the allegation that it spread lies about Smartmatic. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 551 and therefore denies them.

552. Fox News denies the allegation of a “disinformation campaign.” Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 552 and therefore denies them.

553. Fox News denies that Smartmatic will suffer the lost profits articulated in Paragraph 553. Fox News denies the allegations of defamation and disparagement. Fox News denies that it caused Smartmatic’s alleged lost profits. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 553 and therefore denies them.

554. Fox News denies the allegation of a disinformation campaign. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 554 and footnote 45 and therefore denies them.

555. Fox News denies the allegations contained in Paragraph 555.

556. Fox News denies that it spread “weeks of lies” as alleged in the first sentence of Paragraph 556, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 556 and therefore denies them.

557. Fox News denies the allegation of a disinformation campaign, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or

information of the remaining allegations contained in Paragraph 557 and footnote 46 therefore denies them.

558. Fox News denies the allegation of a “disinformation campaign,” and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 558 and therefore denies them.

559. Fox News denies the allegations contained in the last sentence of Paragraph 559 and footnote 47, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 559 and footnote 47 and therefore denies them.

560. Fox News denies the allegations contained in the last sentence of Paragraph 560, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 560 and therefore denies them.

561. Fox News denies the allegations contained in the first sentence of Paragraph 561 and footnote 48, including any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 561 and footnote 48 and therefore denies them.

562. Fox News denies the allegations contained in the first sentence of Paragraph 562, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 562 and therefore denies them.

563. Fox News denies that it claimed that “Smartmatic stole the U.S. election,” that Smartmatic’s alleged damages were a “direct and foreseeable result” of Fox News’ “claims,” and

that Fox News created a cybersecurity threat. Fox News also denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information the remaining allegations contained in Paragraph 563 and therefore denies them.

564. Fox News denies the claim that it spread disinformation, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 564 and therefore denies them.

565. Fox News denies the allegations contained in the first sentence of Paragraph 565, including any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 565 and therefore denies them.

566. Fox News denies that it spread disinformation as alleged in Paragraph 566, and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 566 and therefore denies them.

567. Fox News denies the allegation of a “disinformation campaign,” and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 567 and therefore denies them.

568. Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the allegations contained in Paragraph 568 and therefore denies them.

569. Fox News denies the allegation of a “disinformation campaign,” and Fox News denies any allegation that Smartmatic is entitled to damages. Fox News lacks knowledge and/or information of the remaining allegations contained in Paragraph 569 and therefore denies them.

570. Fox News denies the allegations contained in Paragraph 570.

571. Fox News denies the allegations contained in Paragraph 571.

572. The allegations contained in Paragraph 572 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 572.

573. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

574. Fox News denies allegations contained in Paragraph 574. Fox News repeats and incorporates by reference its responses to Paragraphs 96-132 and 184-254 as if stated fully herein.

575. The allegations contained in Paragraph 575 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations.

576. Fox News denies the allegations contained in Paragraph 576. Fox News also repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

577. The allegations contained in Paragraph 577 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 577.

578. The allegations contained in Paragraph 578 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations.

579. The allegations contained in Paragraph 579 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations.

580. The allegations contained in Paragraph 580 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations.

581. The allegations contained in Paragraph 581 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations. Fox

News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

582. The allegations contained in Paragraph 582 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 582.

583. Fox News denies the allegations contained in Paragraph 583.

584. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 584 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 584 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

585. The allegations contained in Paragraph 585 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 585.

586. The allegations contained in Paragraph 586 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 586.

587. The allegations contained in Paragraph 587 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 587.

588. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

589. Fox News denies the allegations contained in Paragraph 589. Fox News repeats and incorporates by reference its response to Paragraph 186-193 as if stated fully herein.

590. The allegations contained in Paragraph 590 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 590.

591. Fox News denies the allegations contained in Paragraph 591. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

592. The allegations contained in Paragraph 592 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 592.

593. The allegations contained in Paragraph 593 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 593.

594. The allegations contained in Paragraph 594 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 594.

595. The allegations contained in Paragraph 595 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 595.

596. The allegations contained in Paragraph 596 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations

contained in Paragraph 596. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

597. The allegations contained in Paragraph 597 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 597.

598. Fox News denies the allegations contained in Paragraph 598.

599. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 599 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 599 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

600. The allegations contained in Paragraph 600 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 600.

601. The allegations contained in Paragraph 601 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 601.

602. The allegations contained in Paragraph 602 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 602.

603. Fox News repeats and incorporates by references its responses to Paragraphs 1-572 of the Complaint as if stated fully herein.

604. Fox News denies the allegations contained in Paragraph 604. Fox News repeats and incorporates by reference its response to Paragraphs 203-211 as if stated fully herein.

605. The allegations contained in Paragraph 605 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 605. Fox News repeats and incorporates by reference its response to Paragraphs 203-211 as if stated fully herein.

606. Fox News denies the allegations contained in Paragraph 606. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

607. The allegations contained in Paragraph 607 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 607.

608. The statements contained in Paragraph 608 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 608.

609. The statements contained in Paragraph 609 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 609.

610. The statements contained in Paragraph 610 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 610.

611. The statements contained in Paragraph 611 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 611. Fox News repeats and incorporates by reference its response to Paragraphs 255-517 as if stated fully herein.

612. The allegations contained in Paragraph 612 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 612.

613. Fox News denies the allegations contained in Paragraph 613.

614. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 614 purport to summarize those written documents, those documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegation contained in the second sentence of Paragraph 614 is a legal conclusion to which no response is required. To the extent a response is required, Fox News denies the allegations.

615. The allegations contained in Paragraph 615 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 615.

616. The allegations contained in Paragraph 616 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 616.

617. The allegations contained in Paragraph 617 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 617.

618. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 of the Complaint as if stated fully herein.

619. The allegations contained in Paragraph 619 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 619. Fox News repeats and incorporates by reference its response to Paragraphs 212-219 as if stated fully herein.

620. The allegations contained in Paragraph 620 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 620.

621. Fox News denies the allegations contained in Paragraph 621. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

622. The allegations contained in Paragraph 622 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 622.

623. The allegations contained in Paragraph 623 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 623.

624. The allegations contained in Paragraph 624 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 624.

625. The allegations contained in Paragraph 625 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 625.

626. The allegations contained in Paragraph 626 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 626. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

627. The allegations contained in Paragraph 627 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 627.

628. Fox News denies the allegations contained in Paragraph 628.

629. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 629 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 629 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

630. The allegations contained in Paragraph 630 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 630.

631. The allegations contained in Paragraph 631 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 631.

632. The allegations contained in Paragraph 632 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 632.

633. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

634. The allegations contained in Paragraph 634 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 634. Fox News repeats and incorporates by reference its response to Paragraphs 220-227 as if stated fully herein.

635. The allegations contained in Paragraph 635 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 635.

636. Fox News denies the allegations contained in Paragraph 636. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

637. The allegations contained in Paragraph 637 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 637.

638. The allegations contained in Paragraph 638 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 638.

639. The allegations contained in Paragraph 639 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 639.

640. The allegations contained in Paragraph 640 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 640.

641. The allegations contained in Paragraph 641 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 641. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

642. The allegations contained in Paragraph 642 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 642. Fox News denies the remaining allegations contained in Paragraph 642.

643. Fox News denies the allegations contained in Paragraph 643.

644. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 644 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 644 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

645. The allegations contained in Paragraph 645 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 645.

646. The allegations contained in Paragraph 646 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 646.

647. The allegations contained in Paragraph 647 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 647.

648. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

649. The allegations contained in Paragraph 649 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 649. Fox News repeats and incorporates by reference its response to Paragraphs 194-202 as if stated fully herein.

650. The allegations contained in Paragraph 650 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 650.

651. Fox News denies the allegations contained in Paragraph 651. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

652. The allegations contained in Paragraph 652 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 652.

653. The allegations contained in Paragraph 653 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 653.

654. The allegations contained in Paragraph 654 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 654.

655. The allegations contained in Paragraph 655 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 655.

656. The allegations contained in Paragraph 656 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 656. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

657. The allegations contained in Paragraph 657 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 657.

658. Fox News denies the allegations contained in Paragraph 658.

659. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 659 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 659 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

660. The allegations contained in Paragraph 660 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 660.

661. The allegations contained in Paragraph 661 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 661.

662. The allegations contained in Paragraph 662 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 662.

663. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

664. Fox News denies the allegations contained in Paragraph 664. Fox News repeats and incorporates by reference its response to Paragraphs 228-235 as if stated fully herein.

665. The allegations contained in Paragraph 665 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 665. Fox News repeats and incorporates by reference its response to Paragraphs 228-235 as if stated fully herein.

666. Fox News denies the allegations contained in Paragraph 666. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

667. The allegations contained in Paragraph 667 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 667.

668. The allegations contained in Paragraph 668 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 668.

669. The allegations contained in Paragraph 669 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 669.

670. The allegations contained in Paragraph 670 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 670.

671. The allegations contained in Paragraph 671 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 671. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

672. The allegations contained in Paragraph 672 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 672.

673. Fox News denies the allegations contained in Paragraph 673.

674. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 674 purport to summarize those written documents, the documents speak for themselves, and no response is

required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 674 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

675. The allegations contained in Paragraph 675 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 675.

676. The allegations contained in Paragraph 676 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 676.

677. The allegations contained in Paragraph 677 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 677.

678. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

679. Fox News denies the allegations contained in Paragraph 679. Fox News repeats and incorporates by reference its response to Paragraphs 236-244 as if stated fully herein.

680. The allegations contained in Paragraph 680 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 680.

681. Fox News denies the allegations contained in Paragraph 681. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

682. The allegations contained in Paragraph 682 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 682.

683. The allegations contained in Paragraph 683 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 683.

684. The allegations contained in Paragraph 684 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 684.

685. The allegations contained in Paragraph 685 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 685.

686. The allegations contained in Paragraph 686 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 686. Fox News repeats and incorporates by reference its responses to paragraphs 255-517 as if stated fully herein.

687. The allegations contained in Paragraph 687 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 687.

688. Fox News denies the allegations contained in Paragraph 688.

689. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 689 purport to summarize those written documents, the documents speak for themselves, and no response is

required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 689 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

690. The allegations contained in Paragraph 690 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 690.

691. The allegations contained in Paragraph 691 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 691.

692. The allegations contained in Paragraph 692 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 692.

693. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

694. Fox News denies the allegations contained in Paragraph 694. Fox News repeats and incorporates by reference its response to Paragraphs 245-254 as if stated fully herein.

695. The allegations contained in Paragraph 695 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 695.

696. Fox News denies the allegations contained in Paragraph 696. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

697. The allegations contained in Paragraph 697 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 697.

698. The allegations contained in Paragraph 698 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 698.

699. The allegations contained in Paragraph 699 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 699.

700. The allegations contained in Paragraph 700 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 700.

701. The allegations contained in Paragraph 701 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 701. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

702. The allegations contained in Paragraph 702 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 702.

703. Fox News denies the allegations contained in Paragraph 703.

704. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 704 purport to summarize those written documents, the documents speak for themselves, and no response is

required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 704 are legal conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

705. The allegations contained in Paragraph 705 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 705.

706. The allegations contained in Paragraph 706 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 706.

707. The allegations contained in Paragraph 707 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 707.

708. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

709. Fox News denies the allegations contained in Paragraph 709. Fox News repeats and incorporates by reference its response to Paragraphs 186-193 as if stated fully herein.

710. The allegations contained in Paragraph 710 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 710. Fox News repeats and incorporates by reference its response to Paragraphs 186-193 as if stated fully herein.

711. Fox News denies the allegations contained in Paragraph 711. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

712. The allegations contained in Paragraph 712 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 712.

713. The allegations contained in Paragraph 713 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 713.

714. The allegations contained in Paragraph 714 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 714.

715. The allegations contained in Paragraph 715 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 715. Fox News repeats and incorporates by reference its response to Paragraphs 255-517 as if stated fully herein.

716. The allegations contained in Paragraph 716 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 716.

717. Fox News denies the allegations contained in Paragraph 717.

718. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 718 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 718 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

719. The statements contained in Paragraph 719 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 719.

720. The allegations contained in Paragraph 720 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 720.

721. The allegations contained in Paragraph 721 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 721.

722. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

723. Fox News denies the allegations contained in Paragraph 723. Fox News repeats and incorporates by reference its response to Paragraphs 203-211 as if stated fully herein.

724. The allegations contained in Paragraph 724 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 724. Fox News incorporates by reference its responses to Paragraphs 203-211 as if stated fully herein.

725. Fox News denies the allegations contained in Paragraph 725. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

726. The allegations contained in Paragraph 726 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 726.

727. The allegations contained in Paragraph 727 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 727.

728. The allegations contained in Paragraph 728 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 728.

729. The allegations contained in Paragraph 729 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 729. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

730. The allegations contained in Paragraph 730 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 730.

731. Fox News denies the allegations contained in Paragraph 731.

732. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 732 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 732 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegations.

733. The allegations contained in Paragraph 733 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 733.

734. The allegations contained in Paragraph 734 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 734.

735. The allegations contained in Paragraph 735 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 735.

736. Fox News repeats and incorporates by reference their responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

737. Fox News denies the allegations contained in Paragraph 737. Fox News repeats and incorporates by reference its response to Paragraphs 212-219 as if stated fully herein.

738. The allegations contained in Paragraph 738 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 738. Fox News repeats and incorporates by reference its response to Paragraphs 212-219 as if stated fully herein.

739. Fox News denies the allegations contained in Paragraph 739. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

740. The allegations contained in Paragraph 740 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 740.

741. The allegations contained in Paragraph 741 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 741.

742. The allegations contained in Paragraph 742 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 742.

743. The allegations contained in Paragraph 743 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 743. Fox News repeats and incorporates by reference its response to paragraphs 255-517 as if stated fully herein.

744. The allegations contained in Paragraph 744 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 744.

745. Fox News denies the allegations contained in Paragraph 745.

746. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 746 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 746 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

747. The allegations contained in Paragraph 747 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 747.

748. The allegations contained in Paragraph 748 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 748.

749. The allegations contained in Paragraph 749 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 749.

750. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

751. Fox News denies the allegations contained in Paragraph 751. Fox News repeats and incorporates by reference its response to Paragraphs 220-227 as if stated fully herein.

752. The allegations contained in Paragraph 752 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 752. Fox News incorporates by reference its responses to Paragraphs 220-227 as if stated fully herein.

753. Fox News denies the allegations contained in Paragraph 753. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

754. The allegations contained in Paragraph 754 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 754.

755. The allegations contained in Paragraph 755 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 755.

756. The allegations contained in Paragraph 756 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 756.

757. The allegations contained in Paragraph 757 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 757. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

758. The allegations contained in Paragraph 758 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 758.

759. Fox News denies the allegations contained in Paragraph 759.

760. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 760 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 760 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

761. The allegations contained in Paragraph 761 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 761.

762. The allegations contained in Paragraph 762 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 762.

763. The allegations contained in Paragraph 763 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 763.

764. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

765. Fox News denies the allegations contained in Paragraph 765. Fox News repeats and incorporates by reference its response to Paragraphs 194-202 as if stated fully herein.

766. The allegations contained in Paragraph 766 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 766. Fox News repeats and incorporates by reference its response to Paragraphs 194-202 as if stated fully herein.

767. Fox News denies the allegations contained in Paragraph 767. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

768. The allegations contained in Paragraph 768 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 768.

769. The allegations contained in Paragraph 769 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 769.

770. The allegations contained in Paragraph 770 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 770.

771. The allegations contained in Paragraph 771 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 771. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

772. The allegations contained in Paragraph 772 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 772.

773. Fox News denies the allegations contained in Paragraph 773.

774. Fox News admits that Smartmatic sent a letter to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 774 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 774 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

775. The allegations contained in Paragraph 775 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 775.

776. The allegations contained in Paragraph 776 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 776.

777. The allegations contained in Paragraph 777 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 777.

778. Fox News repeats and incorporates by reference its responses to Paragraphs 1-572 as if stated fully herein.

779. Fox News denies the allegations contained in Paragraph 779. Fox News repeats and incorporates by reference its response to Paragraphs 228-235 as if stated fully herein.

780. The allegations contained in Paragraph 780 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 780. Fox News incorporates by reference its response to Paragraphs 228-235 as if stated fully herein.

781. Fox News denies the allegations contained in Paragraph 781. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

782. The allegations contained in Paragraph 782 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 782.

783. The allegations contained in Paragraph 783 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 783.

784. The allegations contained in Paragraph 784 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 784.

785. The allegations contained in Paragraph 785 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 785. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if stated fully herein.

786. The allegations contained in Paragraph 786 are legal conclusions for which no response is required. To the extent a response is required, Fox News denies the allegations contained in paragraph 786.

787. Fox News denies the allegations contained in Paragraph 787.

788. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 788 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 788 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

789. The allegations contained in Paragraph 789 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 789.

790. The allegations contained in Paragraph 790 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 790.

791. The allegations contained in Paragraph 791 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 791.

792. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 as if stated fully herein.

793. Fox News denies the allegations contained in Paragraph 793. Fox News repeats and incorporates by reference its response to Paragraphs 245-254 as if stated fully herein.

794. The allegations contained in Paragraph 794 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 794. Fox News repeats and incorporates by reference its responses to Paragraphs 245-254 as if stated fully herein.

795. Fox News denies the allegations contained in Paragraph 795. Fox News repeats and incorporates by reference its responses to Paragraphs 184-254 as if stated fully herein.

796. The allegations contained in Paragraph 796 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 796.

797. The allegations contained in Paragraph 797 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 797.

798. The allegations contained in Paragraph 798 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 798.

799. The allegations contained in Paragraph 799 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 799. Fox News repeats and incorporates by reference its responses to Paragraphs 255-517 as if incorporated fully herein.

800. The allegations contained in Paragraph 800 are legal conclusions for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 800.

801. Fox News denies the allegations contained in Paragraph 801.

802. Fox News admits that Smartmatic sent letters to Fox News on December 10, 2020 and January 28, 2021. To the extent the allegations contained in Paragraph 802 purport to summarize those written documents, the documents speak for themselves, and no response is required. To the extent these allegations seek to characterize those written documents, such allegations are denied. The allegations contained in the second sentence of Paragraph 802 are legal

conclusions to which no response is required. To the extent a response is required, Fox News denies the allegation.

803. The allegations contained in Paragraph 803 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 803.

804. The allegations contained in Paragraph 804 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 804.

805. The allegations contained in Paragraph 805 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 805.

806. Fox News states that this cause of action is not asserted against Fox News and therefore Fox News generally denies all of the allegations contained in Paragraphs 806-820. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-572 and Cause of Action 1 to 16 as if stated fully herein.

807. The allegations contained in Paragraph 807 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegation of a disinformation campaign, and denies the remaining allegations contained in Paragraph 807. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 245-254 as if stated fully herein.

808. The allegations contained in Paragraph 808 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 808.

809. The allegations contained in Paragraph 809 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 809. Fox News repeats and incorporates by reference its responses to the allegations contained in Paragraphs 184-254 as if stated fully herein.

810. The allegations contained in Paragraph 810 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 810.

811. The allegations contained in Paragraph 811 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 811.

812. The allegations contained in Paragraph 812 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 812.

813. The allegations contained in Paragraph 813 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 813.

814. The allegations contained in Paragraph 814 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 814 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 814 and therefore denies them.

815. The allegations contained in Paragraph 815 are conclusions of law for which no response is required. To the extent a response is required, Fox News lacks knowledge and/or information of the allegations in Paragraph 815 and therefore denies them.

816. The allegations contained in Paragraph 816 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 816 and therefore denies them.

817. The allegations contained in Paragraph 817 are conclusions of law for which no response is required. To the extent a response is required, Fox News lacks knowledge and/or information of the allegations in Paragraph 817 and therefore denies them.

818. The allegations contained in Paragraph 818 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 818 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 818 and therefore denies them.

819. The allegations contained in Paragraph 819 are conclusions of law for which no response is required. To the extent a response is required, Fox News denies the allegations contained in Paragraph 819 as they pertain to it, and otherwise lacks knowledge and/or information of the allegations in Paragraph 819 and therefore denies them.

820. The allegations contained in Paragraph 820 are conclusions of law for which no response is required. To the extent a response is required, Fox News lacks knowledge and/or information of the allegations in Paragraph 820 and therefore denies them.

821. Fox News denies that Smartmatic is entitled to any relief.

- a. Fox News denies that Smartmatic is entitled to compensatory damages.
- b. Fox News denies that Smartmatic is entitled to actual, consequential, and/or special damages.
- c. Fox News denies that Smartmatic is entitled to punitive damages.

- d. Fox News denies that Smartmatic is entitled to attorneys' fees.
- e. Fox News denies that Smartmatic is entitled to the costs of the suit.
- f. Fox News denies that Smartmatic is entitled to prejudgment and post-judgment interest.

AFFIRMATIVE AND OTHER DEFENSES

In addition to the foregoing responses, Fox News generally denies liability for all claims alleged in the Complaint, denies each allegation that has not been expressly admitted, and asserts the following affirmative defenses to the claims alleged. In doing so, Fox News does not assume the burden of proof on these defenses where applicable law provides otherwise. Fox News reserves the right to assert additional affirmative defenses as discovery progresses.

First Defense

Plaintiffs' claims are barred because the Complaint fails to state a claim upon which relief can be granted.

Second Defense

Plaintiffs' claims are barred, in whole or in part, by the First Amendment to the United States Constitution.

Third Defense

Plaintiffs' claims are barred, in whole or in part, by Article I, Section 8 of the New York State Constitution.

Fourth Defense

Plaintiffs' claims are barred, in whole or in part, because the allegedly defamatory statements are true or substantially true.

Fifth Defense

Plaintiffs' claims are barred, in whole or in part, because Smartmatic is a public figure and Fox News did not act with actual malice.

Sixth Defense

Plaintiffs' claims are barred, in whole or in part, because the allegedly defamatory statements concerned matters of substantial public interest and legitimate public concern and Fox News did not act with actual malice.

Seventh Defense

Plaintiffs' claims are barred, in whole or in part, by New York's Anti-SLAPP law.

Eighth Defense

Plaintiffs' claims are barred, in whole or in part, because the allegedly defamatory statements were not of and concerning Plaintiffs.

Ninth Defense

Plaintiffs' claims are barred, in whole or in part, because the allegedly defamatory statements are protected opinion.

Tenth Defense

Plaintiffs' claims are barred, in whole or in part, because the statements are not reasonably capable of the allegedly defamatory meaning attributed to them.

Eleventh Defense

Plaintiffs' alleged damages, if any, are speculative and hypothetical, and are not cognizable as a matter of law.

Twelfth Defense

Plaintiffs' claims are barred because the allegedly defamatory statements did not cause or contribute to the alleged damages suffered by Plaintiffs.

Thirteenth Defense

Plaintiffs have failed to mitigate its damages.

Fourteenth Defense

Plaintiffs' claims are barred by New York Civil Rights Law Sections 74 and 76.

Fifteenth Defense

Plaintiffs' claims are barred to the extent that Plaintiffs' own acts, rather than Fox News' acts, caused and/or are responsible for Plaintiffs' alleged injury.

Sixteenth Defense

Plaintiffs' claims are barred because the news coverage at issue in the Complaint dealt with matters within the sphere of legitimate public concern, was reasonably related to matters warranting public exposition, and was not published in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

Seventeenth Defense

Exemplary or punitive damages are not recoverable because Fox News did not act with either common-law malice or constitutional malice.

Eighteenth Defense

Plaintiffs' claims are barred in whole or in part under both state law and the First Amendment to the United States Constitution because Fox News is not liable for allegedly defamatory statements by third parties not employed by or affiliated with Fox News.

Nineteenth Defense

Plaintiffs' claim for punitive damages is barred by the Due Process Clauses of the United States (Amendment V and Amendment XIV) and by the Due Process Clause of the New York Constitution (Article I, § 6).

Twentieth Defense And First Counterclaim Against Plaintiffs

1. Defendant/Counterclaim Plaintiff Fox News Network, LLC ("Fox News") repeats and realleges all of the defenses set forth above as if more fully set forth herein.

2. Fox News asserts this defense and counterclaim against Plaintiffs/Counterclaim Defendants Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, "Smartmatic") under New York's "Anti-SLAPP" statute, Civil Rights Law §§ 70-a, 76-a.

3. This lawsuit strikes at the heart of the news media's First Amendment mission and right to inform on matters of public interest. Not only is Smartmatic advancing novel defamation theories that lack any grounding in law, but Smartmatic's staggering damages claim is divorced from reality and serves no apparent purpose other than to generate speech-chilling headlines.

4. According to Smartmatic, a company that has not turned a profit since 2016 and lost nearly \$100 million over the four years leading up to the 2020 Presidential election, it stood on the precipice of being worth \$2.7 *billion* over the next five years, and was stymied in that effort only because of one press outlet's coverage of a story that was reported by media throughout the world. That fanciful claim underscores that this is precisely the type of action that New York's Anti-SLAPP statute is designed to guard against.

5. When the President of the United States, his legal team, and his surrogates leveled allegations about the role of fraud in the 2020 Presidential election, Fox News followed this Nation's strong traditions of press freedom by covering those claims. An attempt by the sitting President to challenge the results of an election based on allegations of widespread voting fraud is undoubtedly newsworthy. That is why media outlets the world over provided extensive coverage of and commentary on the President's allegations and the lawsuits they spawned. And there is no question that the allegations being made by the President and his surrogates involved claims about the role that Smartmatic and other voting-technology companies played in the election.

6. Fox News covered these newsworthy allegations from multiple perspectives. Some Fox News hosts reported on the President's claims, interviewing his attorneys and surrogates (and in one case, the President himself) and inquiring about the bases for their claims. Other Fox News hosts engaged in protected opinion commentary about those claims. Some expressed optimism about the President's ability to prove his allegations, while others were more pessimistic. When the voting-technology companies denied the allegations being made by the President and his surrogates, Fox News aired those denials as well.

7. The U.S. Constitution and New York law protect this exercise of the constitutional right of the press to speak freely on issues of public interest. Fox News ensured that the public had access to newsmakers and unquestionably newsworthy information that would help foster "uninhibited, robust, and wide-open" debate on rapidly developing events of unparalleled importance. (*N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 [1964].) "The First Amendment ... presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all." (*Id.* (citation omitted).)

8. Smartmatic's defamation action and inflated damages claims against Fox News seek to chill these vital freedoms in violation not only of the First Amendment, but also of New York's Anti-SLAPP law.

9. This Court has already found that Smartmatic's lawsuit is covered by New York's Anti-SLAPP law, as it involves "public petition and participation" as defined in CRL § 76-a(1)(a)(1)." (NYSCEF.Doc.No.856, Op. at 35.) It is also covered because it involves "other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest." (Civil Rights Law § 76-a(1)(a)(2).)

10. Where it applies, the Anti-SLAPP law provides protection both against the commencement of actions that fail to satisfy its requirements and against the continuation of actions that lack "a substantial basis in fact and law." (*See* Civil Rights Law § 70-a(1)(a).)

11. For reasons articulated in the Fox Defendants' motion to dismiss, Smartmatic's liability and damages claims against Fox News lack a substantial basis in law, both because Fox News' coverage was fully protected by the First Amendment and New York law, and because Smartmatic failed to allege actual malice. Moreover, Smartmatic's claims lack a substantial basis in fact. Not only are Smartmatic's claims of an elaborate conspiracy between Fox News and President Trump and his legal team a product of its imagination, but Smartmatic's \$2.7 billion damages claim is pure fiction.

12. As the attached **Expert Report of Daniel R. Fischel** explains in detail (Ex. 1) ("Fischel Report"), that damages claim is premised on the implausible notion that a company that has been losing money hand over fist the better part of a decade was on the brink of accomplishing the historic feat of quadrupling their five-year average annual revenue over the next five years

(compared to the previous five years). That fantastical claim was tailor-made to grab headlines—which Smartmatic ensured it did by touting it in its own press releases.²

13. New York’s Anti-SLAPP statute was made for lawsuits like this one. The General Assembly wisely understood that the best way to deter baseless attacks on the freedoms of speech and efforts to chill the press is to provide robust protection for speech on matters of public concern, including a right to recover costs and attorneys’ fees from those who pursue defamation actions that have no substantial basis in law and/or no grounding in fact. That right is especially critical when it comes to defamation actions that pursue baseless measures of damages that bear no correlation to anything beyond capacity to attract headlines and chill speech.

14. Indeed, if anything, astronomical damages claims with no basis in fact have an even greater chilling effect than defamation actions with no grounding in law. They substantially increase the already-heavy cost of defending against efforts to squelch speech on matters of public concern, as evidenced by the substantial work Fox News has already had to do to debunk Smartmatic’s fanciful claims. More fundamentally, such headline-grabbing claims are designed

² *Fox News Is Sued by Election Technology Company for Over \$2.7 Billion*, The New York Times (Feb. 4, 2021), <https://www.nytimes.com/2021/02/04/business/media/smartmatic-fox-news-lawsuit.html> (Ex. 2); *Smartmatic files \$2.7 billion defamation suit against Fox News over election fraud claims*, The Washington Post (Feb. 4, 2021), <https://www.washingtonpost.com/media/2021/02/04/smartmatic-fox-lawsuit/> (Ex. 3); *Fox News sued by Smartmatic for \$2.7 billion over rigged election claims*, NBC News (Feb. 4, 2021), <https://www.nbcnews.com/tech/security/fox-news-sued-smartmatic-2-7-billion-over-rigged-election-n1256759> (Ex. 4); *Voting software maker Smartmatic sues Fox News and its anchors for \$2.7 billion*, Los Angeles Times (Feb. 4, 2021), <https://www.latimes.com/entertainment-arts/business/story/2021-02-04/voting-software-smartmatic-sues-fox-news-anchors-27-billion-election> (Ex. 5); *Voting technology company Smartmatic files \$2.7 billion lawsuit against Fox News, Rudy Giuliani and Sidney Powell over 'disinformation campaign'*, CNN.com (Feb. 4, 2021), <https://www.cnn.com/2021/02/04/media/smartmatic-fox-news-giuliani-powell-lawsuit/index.html> (Ex. 6); *Smartmatic sues Fox News, Giuliani and Sidney Powell for \$2.7 billion over false election claims*, CNBC.com (Feb. 4, 2021), <https://www.cnbc.com/2021/02/04/smartmatic-sues-fox-news-giuliani-and-sidney-powell-for-2point7-billion-over-false-election-claims.html> (Ex. 7). Smartmatic also released its own press statement on its website: *Smartmatic Files \$2.7 Billion Defamation Lawsuit Against Fox Corporation*, Smartmatic.com (Feb. 4, 2021), <https://www.smartmatic.com/us/media/article/smartmatic-files-27-billion-defamation-lawsuit-against-fox-corporation/> (Ex. 8).

to serve as a warning to others to think twice before exercising their own free speech rights, lest the cost of doing so prove too heavy to bear. That is the very definition of trying to chill speech.

15. While the recovery of fees and costs will not undo all the damage this First Amendment-defying lawsuit has wrought, at least it may cause the next plaintiff to think twice before trying to penalize the press to the tune of billions of dollars in non-existent damages for ensuring that the people can hear perspectives from all sides of the most pressing controversies of the day.

16. Fox News therefore counterclaims against Smartmatic for costs and attorneys' fees under New York's Anti-SLAPP statute, Civil Rights Law § 70-a. In support, Fox News attaches to and incorporates into this complaint the Fischel Report.

A. Parties

17. Plaintiffs and Counterclaim Defendants are Smartmatic USA Corp., SGO Corporation Limited, and Smartmatic International Holding, B.V.

18. Smartmatic claims that Smartmatic USA Corp. is a Florida-based company incorporated in Delaware.

19. Smartmatic claims that Smartmatic International Holding B.V. is an Amsterdam, Netherlands based company that owns a 100% stake in Smartmatic USA Corp.

20. Smartmatic claims that these two Smartmatic entities provide election and voting technology and support services.

21. Smartmatic claims that SGO Corporation Limited ("SGO") is a London, U.K. based holding company that holds a 100% stake in Smartmatic International Holding B.V.

22. Smartmatic claims that SGO Corporation Limited maintains investments in four additional separate business lines, including Folio and Airlabs. According to its 2020 financial

statement, Folio is “a digital wallet that hosts digital credentials, offers convenience and privacy to consumers, and allows them to verify their identity to businesses and governments.” Airlabs “makes and sells air filtration systems and air quality data from dense sensor networks.”³ Neither of these companies has “Smartmatic” in its company name or on its products, and neither is engaged in an election-related line of business. In its Amended Complaint, Smartmatic acknowledged that it is not seeking damages relating to Airlabs and Folio.⁴

23. Defendant and Counterclaim Plaintiff Fox News Network, LLC is a wholly-owned subsidiary of Fox Corporation and the top-rated national cable news channel in both Monday to Friday primetime and total day viewing.

B. Smartmatic’s Long History of Election-Related Controversy

24. Smartmatic was reportedly founded two decades ago in Venezuela by Venezuelan entrepreneurs.⁵ Smartmatic got its start in Caracas in 1997 under the name “Tecnología Smartmatic de Venezuela C.A.”⁶ In 2004, Smartmatic’s website stated, “[s]even years ago”—*i.e.*, in 1997—“we were the Research and Development Unit of Panagroup in Venezuela.”⁷

³ SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2020) at 4 (Ex. 9). Fox News includes as Exs. 10-17 SGO’s public financial filings from 2012–2019. *See generally* SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2019) (Ex. 10); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2018) (Ex. 11); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2017) (Ex. 12); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2016) (Ex. 13); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2015) (Ex. 14); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2014) (Ex. 15); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2013) (Ex. 16); SGO Corporation Ltd., Annual Report and Consolidated Financial Statements (Dec. 31, 2012) (Ex. 17).

⁴ NYSCEF.Doc.No.1199, First Amended Complaint (“Compl.”) ¶ 538 n. 42.

⁵ NYSCEF.Doc.No.181.

⁶ NYSCEF.Doc.No.183.

⁷ NYSCEF.Doc.No.182.

25. Though “Smartmatic was a little-known firm with no experience in voting technology,” it “was chosen by the Venezuelan authorities to replace the country’s elections machinery ahead of a contentious referendum that confirmed [Hugo] Chávez as president in August 2004.”⁸

26. That first foray into Venezuelan elections was marred with controversy. Opposition parties immediately “question[ed] the results” of the August 2004 election,⁹ claiming that they could not trust the automated voting system run by Smartmatic.¹⁰ Opposition parties later boycotted the 2005 National Assembly elections, an act that reportedly enabled Chávez’s supporters to obtain “overwhelming control.”¹¹

27. Smartmatic found itself embroiled in controversy again shortly thereafter, this time in the United States. According to Smartmatic, it established a corporate presence in the United States in 2000.¹² In 2006, the *Wall Street Journal* reported that the U.S. Justice Department was conducting a probe of Smartmatic for possible violations of the Foreign Corrupt Practices Act and tax evasion.¹³ According to the *Journal*, “[e]ssentially, the Justice Department [wa]s looking into whether Smartmatic got its start in Venezuela by bribing officials and then improperly avoiding its tax liability in the U.S.”¹⁴

28. That reported investigation followed closely on the heels of another U.S. government investigation in 2005, after Smartmatic acquired Sequoia Voting Systems, a U.S.-

⁸ NYSCEF.Doc.No.184

⁹ *Id.*

¹⁰ NYSCEF.Doc.No.185.

¹¹ NYSCEF.Doc.No.187.

¹² Compl. ¶ 40.

¹³ *Bob Davis & Glenn Simpson*, U.S. Authorities Probe How Smartmatic Won Venezuela Election Pact (Dec. 1, 2006), available at <https://www.wsj.com/articles/SB116493756785237566> (Ex. 18).

¹⁴ *Id.*

based company with election operations in several states.¹⁵ That acquisition sparked concerns among some in the U.S. government that the Chávez-led Venezuelan government may have had control or influence over Smartmatic.

29. For instance, Representative Carolyn Maloney (D-NY) sent multiple letters to the Secretary of the Treasury raising questions about “Smartmatic’s possible connection to the Venezuelan government” and urging the Committee on Foreign Investment in the United States (“CFIUS”) to review the transaction.¹⁶ Representative Maloney was particularly concerned about: (i) “reports that Sequoia brought Venezuelan nationals to the United States to work on the Chicago 2006 primary election,” which “raise[] questions about whether these individuals are subject to direction from a foreign interest that might pose a threat to the integrity of the election”; (ii) “the use of Smartmatic software and machines developed in Venezuela, such as the HAAT software that was at issue in Chicago,” which “raises questions as to whether this software is susceptible to manipulation by its unknown creators”; and (iii) that “Smartmatic may soon be introducing into the United States the type of electronic voting machines that were used ... in the controversial 2004 Venezuelan recall election.”¹⁷

30. In response to these concerns, CFIUS initiated a national-security-based review of Smartmatic’s acquisition of Sequoia. But Smartmatic ultimately opted to sell Sequoia before

¹⁵ NYSCEF.Doc.No.189 at 1.

¹⁶ Letter from Rep. Carolyn Maloney (D-NY) to Secretary John W. Snow, U.S. Dep’t of the Treasury (May 4, 2006), available at <https://maloney.house.gov/sites/maloney.house.gov/files/documents/financial/acquisitions/20060504ElectionsCFIUS.pdf> (Ex. 19); Letter from Rep. Carolyn Maloney (D-NY) to Secretary Henry M. Paulson, Jr., U.S. Dep’t of the Treasury (Oct. 6, 2006), available at https://maloney.house.gov/sites/maloney.house.gov/files/documents/financial/acquisitions/20061006ElectionsCFIUS_paulson.pdf (Ex. 20).

¹⁷ *Id.*

CFIUS could complete its inquiry.¹⁸ Several years later, Sequoia was acquired by another voting-technology company, Dominion Voting Systems.¹⁹

31. Controversy surrounded Smartmatic's work in the Philippines as well. In 2016, the Philippine Department of Justice reportedly charged three Smartmatic employees—Marlon Garcia, Neil Baniqued, and Mauricio Herrera—with changing the script in the transparency server on election night without authorization.²⁰ One of Smartmatic's employees admitted that he changed the script, but claimed it was merely a “cosmetic change” that did not affect the elections.²¹ But the protocols set by the Philippine Commission on Elections required Smartmatic personnel to report any issue—cosmetic or otherwise—to Commission personnel before taking any action, which Smartmatic's personnel allegedly failed to do.²²

32. According to Smartmatic, it continued to operate in Venezuela for another decade after the controversial 2004 and 2005 elections.²³ And Smartmatic found itself involved in yet another election-related controversy in 2017. After allegations of problems with Smartmatic's servers surfaced once again, the *Miami Herald* reported that Smartmatic's founder, Antonio Mugica, admitted that the 2017 election had been “tampered with.”²⁴

33. Smartmatic ceased operations in Venezuela shortly thereafter, reporting in its financial statements that the Venezuelan government had “abrupt[ly] call[ed] off of the Venezuela

¹⁸ NYSCEF.Doc.No.189.

¹⁹ NYSCEF.Doc.No.190.

²⁰ Jomar Canlas, *Employees of Smartmatic, Comelec Charged Over Tinkering with Election Server* (June 8, 2017), available at <https://www.manilatimes.net/2017/06/08/news/top-stories/employees-smartmatic-comelec-charged-tinkering-election-server/331560> (Ex. 21); Comelec, *Smartmatic Personnel Face Raps Over Script Change*, The Philippine Star (June 7, 2017), available at <https://www.philstar.com/headlines/2017/06/07/1707875/comelec-smartmatic-personnel-face-raps-over-script-change> (Ex. 22).

²¹ Ex. 21.

²² *Id.*

²³ Compl. ¶ 401.

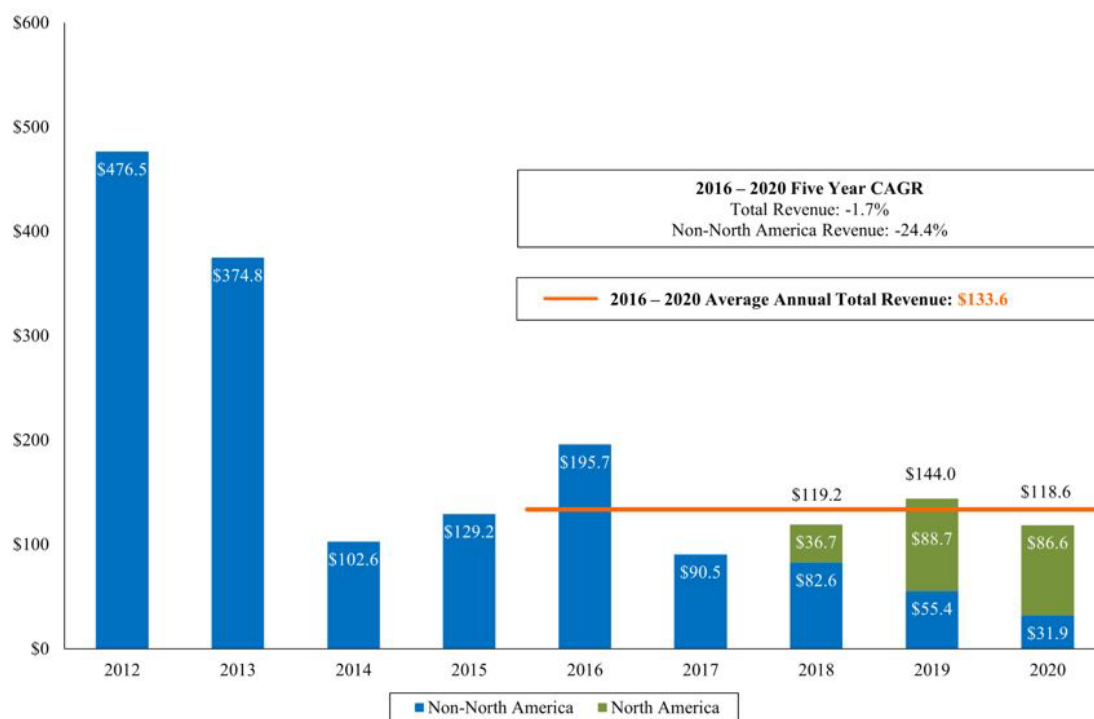
²⁴ NYSCEF.Doc.No.188.

project” because Smartmatic “disagree[d] to be used to violate the integrity of the election process.”²⁵

C. Smartmatic’s Ever-Increasing Financial Woes

34. Unsurprisingly, Smartmatic’s bottom line was hurt by the problems that routinely plagued the company. As the Fischel Report explains, public filings from its parent company, SGO, reveal that SGO’s revenues declined steeply—by more than 75%—over the course of the past decade, from a high of \$476.5 million in 2012 all the way down to \$118.6 million by 2020.²⁶ And Smartmatic’s revenues have not surpassed \$200 million since 2013:

**Exhibit 3
Smartmatic Elections’ Historical Revenue
2012 – 2020 (\$ in Millions)**

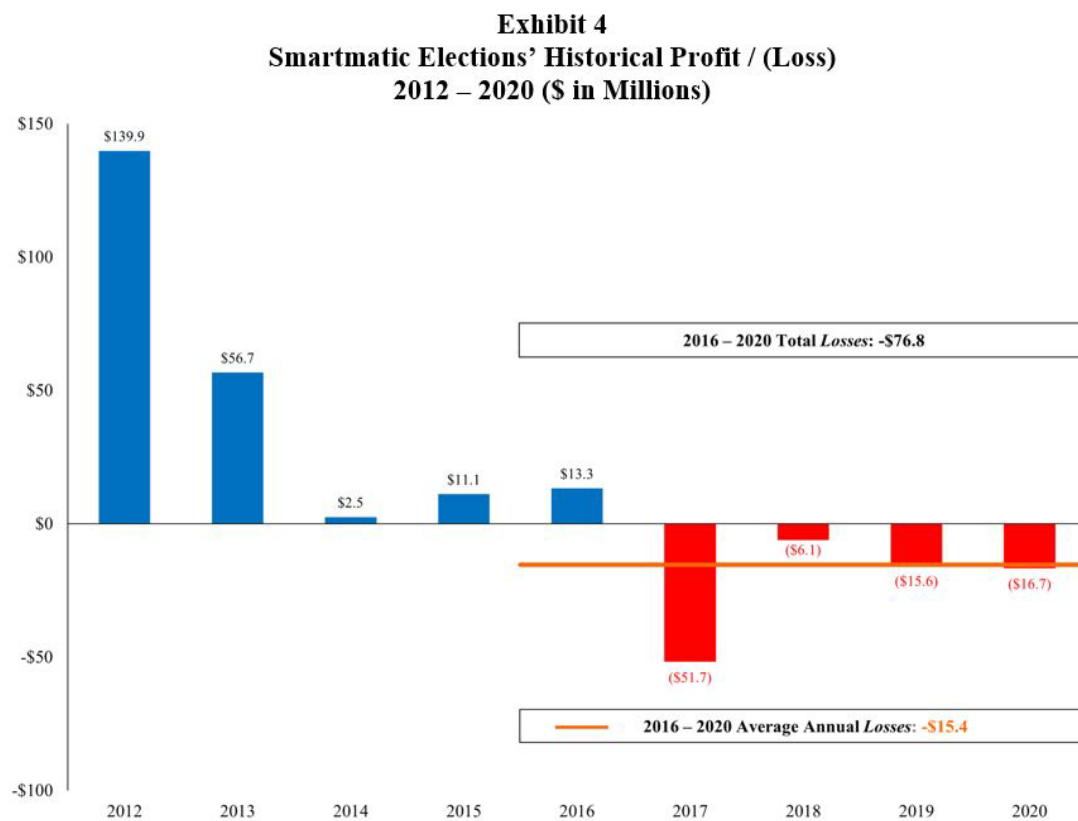


Source: Appendix D to Fischel Report.

²⁵ Ex. 12 at 3, 26.

²⁶ Fischel Report ¶ 27, Ex. 3 & n.52.

35. SGO's profits largely tanked alongside its revenues. Indeed, SGO has been in the red in each of the past four reported years, including a loss of \$19.2 million in 2020, and its total losses from 2016 to 2020 exceeded \$76 million.²⁷



Source: Appendix D to Fischel Report.

36. SGO's regulatory filings reflect the often-close connection between its revenues and its operations in Venezuela. For instance, Smartmatic blamed the 2014 decline on the absence of electoral work from the governments of Venezuela and the Philippines.²⁸ And it blamed the 2017 decline an “abrupt call off of the Venezuela project by the government.”²⁹

²⁷ *Id.* ¶¶ 28–29.

²⁸ *Id.* ¶ 26.

²⁹ *Id.*

D. The 2020 U.S. Presidential Election

37. By its own telling, Smartmatic was able to secure only a small piece of work in the 2020 U.S. Presidential Election: one contract with Los Angeles County.³⁰

38. Once again, Smartmatic soon found itself embroiled in controversy. Months before the general election, at least one press outlet reported on significant concerns from voters as well as election security experts about past allegations concerning deficiencies in Smartmatic's technology (including its security) and its association with the Chavez and Maduro administrations.³¹ In an article titled "Los Angeles County's risky voting experiment," a Politico reporter wrote that "security experts are still concerned about the company's foreign involvement in light of the security issues uncovered by the state's testers and the county's failure to disclose the source code for public scrutiny."³²

39. Then, in the immediate wake of the election, the sitting President of the United States and his legal team began alleging in press conferences, public filings, and several other fora that the election had been rife with fraud, and some allegations involved Smartmatic's voting technology. Those claims ultimately spawned several lawsuits, as well as investigations by numerous federal and state officials, including the Attorney General.

40. The controversy surrounding the election, including Smartmatic's role in it in particular, was covered by virtually every press outlet in the country and many throughout the world as well.

³⁰ Compl. ¶ 391(a)-(b).

³¹ Kim Zetter, "Los Angeles County's risky voting experiment," POLITICO (Mar. 3, 2020), <https://www.politico.com/news/2020/03/03/los-angeles-county-voting-experiment-119157>.

³² *Id.*

41. Fox News contributed to that coverage. Some hosts interviewed the President's lawyers and the President himself so that the American people could hear exactly what the claims were and what evidence they had to support them. Some hosts interviewed experts to get their perspective on whether the claims were likely to succeed. Some hosts offered their own opinions about the controversy, whether it be to express skepticism of the President's claims based on the evidence they had seen, to express concern that such serious allegations merited serious investigation, or to express hope that the President would be able to prove his claims.

E. Smartmatic's Free Speech-Defying Lawsuit and Outlandish Damages Claims

42. Understandably, Smartmatic did not relish finding itself embroiled in yet another very public election controversy. But rather than lay the blame at the feet of the people that Smartmatic claims manufactured allegations against it, Smartmatic trained its sights on Fox News. According to Smartmatic, while the allegations against it came—literally—from the mouths of the President's lawyers and surrogates, Fox News bears responsibility for those allegations because some of its hosts provided the President's representatives with a forum to explain their allegations to the American people. Smartmatic thus sued Fox News, its parent company, and three Fox News hosts for defamation, seeking an eye-popping \$2.7 billion in purported damages.³³

43. Smartmatic's novel lawsuit strikes at the heart of the First Amendment, which fully protects the right of the press to cover and provide commentary on allegations of election fraud by a sitting President. Adding insult to injury, Smartmatic's extravagant damages demand is divorced from reality, rendering this action doubly foreclosed by New York's Anti-SLAPP statute.

44. Recognizing that the very "threat of being put to the defense of a lawsuit may be as chilling to the exercise of First Amendment freedoms as fear of the outcome of the lawsuit itself,"

³³ Compl. ¶ 13.

(*Karaduman v. Newsday, Inc.*, 51 NY2d 531, 545 [1980] (citation omitted)), the General Assembly has enacted several protections against baseless efforts to stifle speech “in connection with an issue of public interest.” (Civil Rights Law § 76-a [1] [a].)

45. A court must dismiss a complaint covered by the Anti-SLAPP law unless the plaintiff demonstrates that the action has a “substantial basis in law” or “is supported by a substantial argument for an extension, modification or reversal of existing law.” (CPLR 3211 [g] [1].)

46. Even if a defamation suit survives that threshold inquiry, however, the General Assembly provided the additional protection of entitling the defendant to recovery of fees and costs if a plaintiff “continued” a defamation claim “without a substantial basis in fact and law.” (Civil Rights Law § 70-a [1] [a].) Thus, to escape fee- and cost-shifting under the Anti-SLAPP statute, a defamation plaintiff not only must plead, but ultimately must prove, that its claims are actually grounded in both law and fact.

47. As this Court has already concluded, there is no question that the Anti-SLAPP law governs this action, as Smartmatic’s complaint challenges speech in a “public forum” “in connection with an issue of public interest.” (Civil Rights Law § 76-a [1] [a].) There can likewise be no question that Smartmatic’s complaint also challenges “other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest” under New York’s Anti-SLAPP statute. (Civil Rights Law § 76-a [1] [a] [2].)

48. Yet Smartmatic’s complaint not only lacks sound legal footing, but also rests on allegations that have no basis in fact. As this Court has already recognized, Smartmatic failed to plead that any of the allegedly defamatory statements could reasonably be interpreted to be “of and concerning” the foreign Smartmatic plaintiffs, Smartmatic International Holding B.V. and

SGO Corporation Limited. The claims brought by those plaintiffs are therefore particularly baseless.

49. While the conspiracy theories underlying Smartmatic's allegations of actual malice are pure fiction, the disconnect from reality is perhaps nowhere more evident than in Smartmatic's extravagant \$2.7 billion damages demand.

50. According to Smartmatic—a company that has been mired in controversy for the better part of two decades and has not turned a profit since 2016—it stood to make \$3.1 billion over the next five years. Even a preliminary, pre-discovery investigation has thoroughly debunked that implausible claim.

51. As Smartmatic's own public filings reflect, by the time the 2020 Presidential election rolled around, it was no financial juggernaut on the cusp of earning billions in revenue. To the contrary, in the five years preceding the filing of its Complaint, Smartmatic lost nearly \$100 million (and was unprofitable from 2017-2020), and averaged a mere \$133.6 million in revenue. In fact, Smartmatic's revenues have not exceeded \$200 million since 2013.

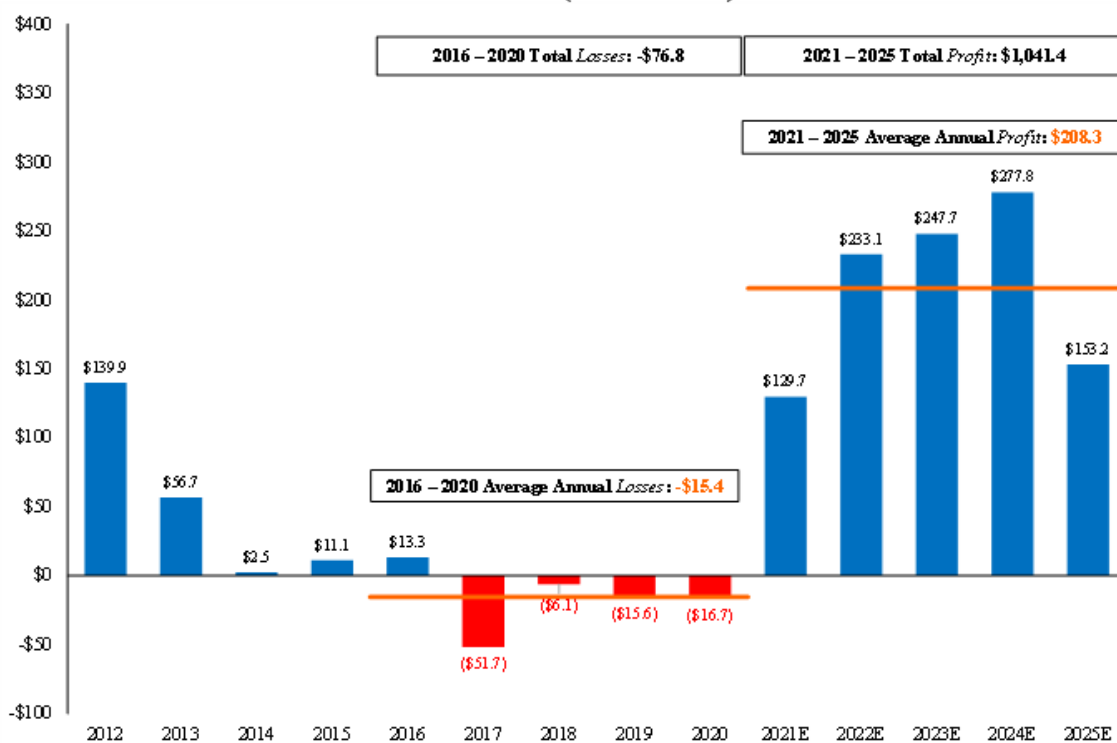
52. Yet by Smartmatic's telling, it stood to make nearly \$620 million on average per year from 2021 to 2025—a figure more than *four times* its average annual revenue from 2016 to 2020.³⁴ Not only that, despite a documented, consistent pattern of revenue decline from 2016 to 2020, Smartmatic's allegations indicate that it believes it stood to more than *triple* its revenue in a single year — from \$118.6 million in 2020 to \$386 million in 2021.³⁵ As the Fischel Report documents in greater detail, future revenues of the magnitude Smartmatic alleges would dwarf Smartmatic's actual earnings from 2012 to 2020 *combined*.

³⁴ Fischel Report ¶¶ 33-35.

³⁵ Fischel Report ¶ 34.

53. Also by Smartmatic’s own telling, Smartmatic believes that it stood not only to immediately reverse its four straight years of annual losses, but also to earn more profits than ever before in its nearly 20 year history. Smartmatic alleges that its elections business stood to generate more than \$1 *billion* in profits between from 2021 through 2025, representing an average annual profit of \$208.3 million.³⁶ And all of that from a company whose public earnings reports show \$76.8 million *in losses* over the past five years, producing a five-year historical revenue weighted profit margin of *-11.5%*.³⁷

Exhibit 6
Smartmatic Elections’ Historical and Forecasted Profit / (Loss)
But-For the Alleged Defamation
2012 – 2020 (\$ in Millions)



Source: Appendices B & D.

³⁶ Compl. ¶¶ 554-555; Fischel Report ¶¶ 36, 37

³⁷ Fischel Report ¶¶ 28, 37.

54. Smartmatic thus did not even get basic facts *about itself* right. But more fanciful still, Smartmatic insists that these phantom losses are all attributable not to the nationwide (indeed, global) coverage of the President's allegations against it, but to a handful of segments on Fox News. That claim does not pass the straight-face test.

55. While Smartmatic's damages claim may be fantasy, its chilling effect is quite real. On top of the already-significant costs that Fox News has incurred and will continue to incur defending against Smartmatic's novel legal theories, Fox News must also incur costs to debunk Smartmatic's multibillion-dollar damages claim. And that is to say nothing of the chilling effect such a claim has on others who may not be able to defend themselves or face even a minimal risk of such staggering liability if their own speech comes under similar attack. A damages claim so divorced from reality should be seen for what it is: a naked attempt to grab the kind of attention that will magnify the very chilling effect on free-speech and free-press rights that the Anti-SLAPP is supposed to guard against.

COUNT ONE—N.Y. CIVIL RIGHTS LAW

56. Fox News repeats and re-alleges Paragraphs 1-53 as if set forth fully within.

57. Smartmatic sued Fox News alleging claims of defamation and disparagement. Plaintiffs' lawsuit seeks \$2.7 billion in damages, plus punitive damages, attorneys' fees and costs. The statements Smartmatic complains about involve a matter of profound public concern: allegations made by the sitting President of the United States of America and his legal team and surrogates in the wake of the 2020 presidential election.

58. Fox News brings this counterclaim pursuant to the New York Anti-SLAPP statute.

59. The New York Anti-SLAPP statute imposes strict burdens on persons who sue members of the media for defamation. Smartmatic's suit against Fox News is an "action involving public petition and participation" under the New York Anti-SLAPP law, Civil Rights Law § 76-a,

as the Court has already determined in this case. In addition, Smartmatic's complaint challenges "other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest" under New York's Anti-SLAPP law. (Civil Rights Law § 76-a [1] [a] [2].)

60. The New York Anti-SLAPP law provides that "costs and attorneys' fees shall be recovered upon a demonstration ... that the action involving public petition and participation was commenced or continued without a substantial basis in fact and law and could not be supported by a substantial argument for the extension, modification or reversal of existing law." (Civil Rights Law § 70-a [1] [a].)

61. Smartmatic commenced and continued this action without a substantial basis in law, and it cannot support its action by substantial argument for the extension, modification, or reversal of existing law.

62. The lawsuit lacks a substantial basis in law, both because it challenges speech that is fully protected by the First Amendment and New York law, and because the complaint fails to allege (and Smartmatic will be unable to prove) actual malice.

63. Smartmatic's claims also lack a substantial basis in fact, as both its actual malice allegations and its damages demand bear no connection to reality.

64. Smartmatic's litigation tactics, including its facially implausible damages claims, are a naked attempt to punish Fox News for exercising its constitutional rights, to censor and chill Fox News from such reporting in the future if and when that reporting includes coverage of allegations by public officials or attorneys against Smartmatic's voting systems, and to intimidate Fox News and anyone else who might consider exercising their constitutional rights to cover

allegations by public figures concerning Smartmatic or or its voting systems that Smartmatic deems unflattering.

65. Fox News is therefore entitled under New York Civil Rights Law § 70-a to recovery of its costs and attorneys' fees incurred in this action.

PRAYER FOR RELIEF

WHEREFORE, Fox News demands judgment as follows:

- a) An award of Fox News's attorneys' fees and the costs and disbursements of this action; and
- b) Granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 17, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2023, the foregoing document was served via electronic filing on all counsel of record in this case.

/s/ Steven Mintz

Steven Mintz